

APPENDIX H

Active Permits

File No. 53937-00
Nucor Steel Decatur, LLC



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 12, 2003

Regulatory Branch

SUBJECT: File No. 5393700; Time Extension of Permits for Barge Terminal, Fleeting Area, and Development Fills in Wetlands at Tennessee River Mile 297.5, Left Bank, Morgan County, Alabama (Wheeler Lake)

Mr. Jeff Braun
Nucor Steel Decatur, LLC
P.O. Box 2249
Decatur, Alabama 35609

Dear Mr. Braun:

In accordance with your June 2, 2003, request, I have authorized a time extension for the existing Nucor Steel permits. By this letter, I am authorizing a final completion date of **July 31, 2008**, for the Department of the Army permits. For your convenience, I have attached copies of the two permits, dated July 31, 1995, (for the terminal) and November 18, 1996, (for the development in wetland fills) and all modifications to the permits. The information enclosed with this letter should be a complete package of existing permits.

Our records have been changed to reflect this change. According to your letter, most of the work has been completed, except for the 21.02-acre wetland fill for development, the 0.42-acre wetland fill for the rail spur, the 0.15-acre wetland fill for the road, and the seven mooring cells (the five in the fleeting area have completed). It is my understanding that the mitigation for the wetland fills is finished. All other conditions of the original permits remain in full force and effect. If any other changes in the plans of the work are necessary for any reason, revised plans should be submitted promptly to this office.

It is your responsibility to obtain any other federal, state, and/or local approval necessary for the work. You should contact the Alabama Department of Environmental Management to see if their water quality certification for the work is still valid and the Tennessee Valley Authority to see if their permit is valid.



6/29/97 XWR-624 (Trico) XWR-624 (Nuclear)

TENNESSEE VALLEY AUTHORITY

Section 26a

Tennessee Valley Authority, 119 County Road 412, Town Creek, Alabama 35672-8789

Applicant Name Trico Steel Company

26a No. 14587

Reservoir Wheeler

Subdivision N/A

Tract No. XWR-624 Map No. 182D

Lot No(s). N/A

River/Stream Mile TRM 297.5L

This application has been reviewed. The blocks checked below indicate the status of your request.

☒ The Facilities and/or activities listed below are **APPROVED** subject to the general and special conditions attached.

1. Wetlands fill of 21.02 acres, isolated and above headwaters.

2.

3.

4.

☐ The facilities and/or activities listed below are **DENIED**.

1.

2.

☐ This permit **SUPERSEDES** the following previous TVA approval.

_____ permit issued to _____ for _____

TVA Representative: ^{for} Wally Brines

W. R. McLean

Approval Date: 5/29/97

☒ Requires review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE. **No construction shall commence until you have written approval or verification that no permit is required.**

☐ ARAP (For Tennessee locations, a copy of the permit has been sent to the Tennessee Department of Environment and Conservation.)

h:\share\wbrines\trico26app.doc

06/02/97

Files

RLR

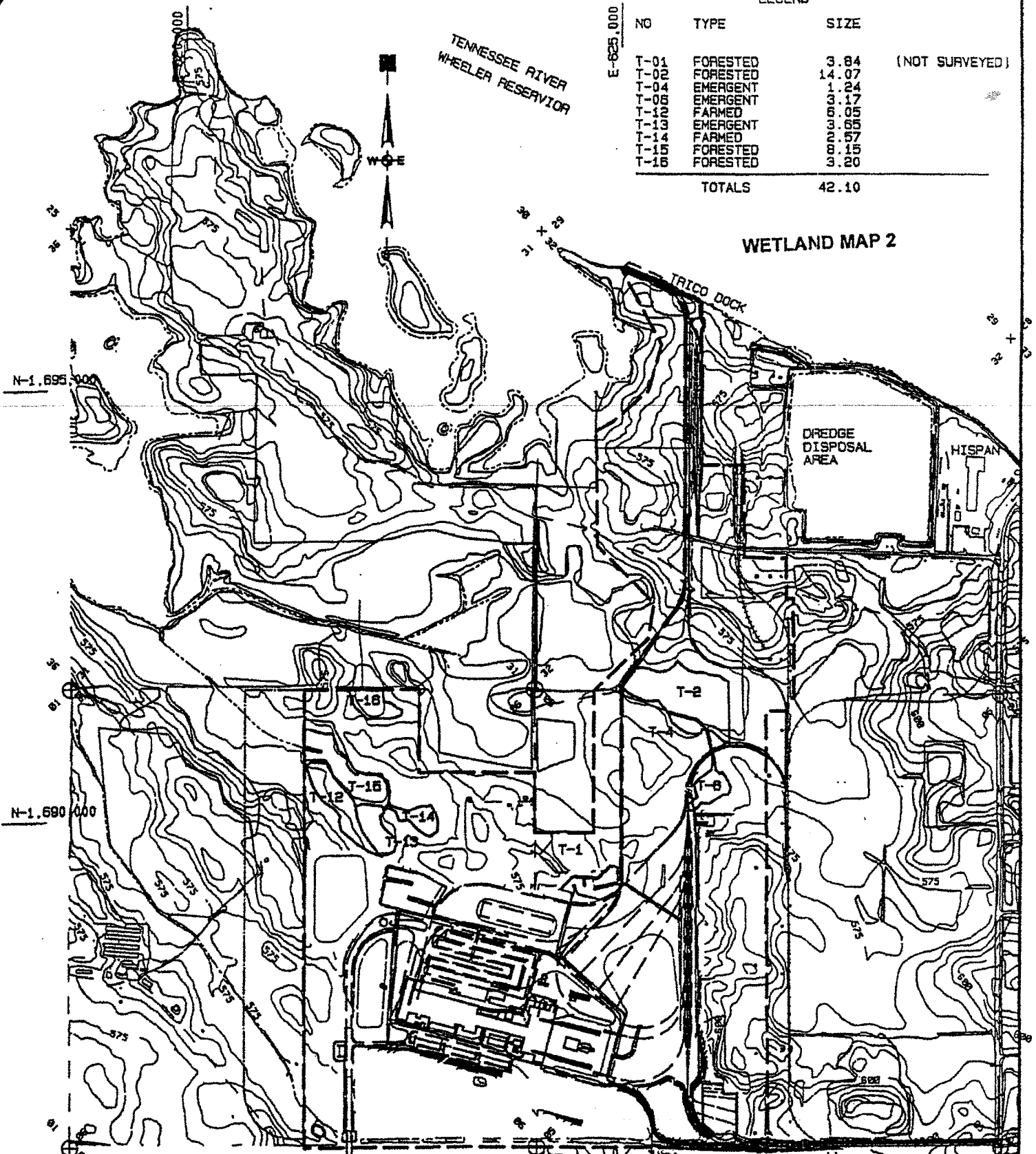
26a 6494

WETLAND MAP
TRICO PROPERTY
(FORMER SEWELL AND TVA PROPERTIES)

LEGEND

NO	TYPE	SIZE	
T-01	FORESTED	3.84	(NOT SURVEYED)
T-02	FORESTED	14.07	
T-04	EMERGENT	1.24	
T-06	EMERGENT	3.17	
T-12	FARMed	6.05	
T-13	EMERGENT	3.65	
T-14	FARMed	2.57	
T-15	FORESTED	6.15	
T-16	FORESTED	3.20	
TOTALS		42.10	

WETLAND MAP 2



/users/mtp/stn1/desc-96 SK-42-96-8.5X11

SCALE: 1"=1,500'

DRAWN BY: D.PUCKETT

APPROVED BY: PUGH

PUGH, WRIGHT AND ASSOCIATES, INC.

Decatur, Alabama

DATE: JUN., 1996

JOB NO: SK-42-96

PAGE 1 OF 1

DEPARTMENT OF THE ARMY PERMIT

Permittee Trico Steel Company, L.L.C.

Permit No. 5393700

Issuing Office Nashville District, Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

SEE ENCLOSED DESCRIPTION OF WORK, EXHIBIT "A"

Project Location: In wetlands adjacent to unnamed tributaries of Fox Creek (TRM 296.3L), on Wheeler Lake, near Decatur, in Morgan County, Alabama (Jones Crossroads Quadrangle).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on NOVEMBER 18, 1999. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

NOV 15 1998

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(SEE CONTINUATION SHEET 1)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

x W.G. Wiley x 11/11/96
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

JOHN L. WHISLER, JR.

LTC, Corps of Engineers

(DISTRICT ENGINEER) By:

J. Ruben Hernandez
J. Ruben Hernandez

11/18/96
(DATE)

Project Manager

Construction-Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

CONTINUATION SHEET 1
SPECIAL CONDITIONS
FILE NO. 5393700

1. The work must be in accordance with the attached plans.
2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
3. You must have a copy of this permit available on the site and ensure contractors are aware of its conditions and abide by them.
4. You must comply with the terms and conditions of the 27 June 1996, Wetland Mitigation Plan - Trico Steel Company and Norfolk Southern Corporation Properties.
5. The disturbance to riparian vegetation shall be kept to a minimum during construction.
6. The discharge shall consist of suitable material free from toxic pollutants in toxic amounts.
7. The proposed dike construction shall be performed during the periods of winter drawdown of Wheeler Lake to minimize adverse effects on aquatic life and water quality.
8. You must institute and maintain a strict erosion and sediment control program for the life of the project and ensure that all disturbed areas are properly seeded, riprapped, or otherwise stabilized as soon as practicable to prevent erosion. The slopes of the new dike shall be properly stabilized prior to inundation.
9. All temporary structures and excess fill material associated with the construction of the dike shall be removed upland above Elevation 558 and properly contained and stabilized to prevent re-entry into the waterway. As an option, the material may be disposed of in an approved landfill.
10. The existing channel bottom area immediately downstream of the face of the dike and principal spillway pipe shall be re-stored to preconstruction contours.
11. Riprap material shall be quarry-run stone or its equivalent, i.e., clean material free of waste metal products, organic materials, unsightly debris, etc. The selected material shall be of adequate size range and weight, but sufficient small sizes should be included to choke the larger stones.
12. The proposed dike and impoundment area shall be protected by either a permanent or long-term easement to guarantee the construction, operation, and maintenance of these facilities.

**DESCRIPTION OF WORK
FILE NO. 5393700**

Trico Steel Company, L.L.C. (Trico), proposes to fill 21.02 acres of headwater wetlands for anticipated industrial development near the steel mill. Mitigation will consist of the construction of a dike across a narrow point of an embayment located within the Mallard-Fox Creek Wildlife Management Area (MFWMA) just south of the 224-acre donation tract. The dike will be 830' long, 12' wide at the top, and have riprap-covered 3:1 side slopes. The top of the dike will be at Elevation 560. The dike will require approximately 15,600 cubic yards of earthen material. Clay and sand borrow are available on the agricultural field west of the dike. The dike will contain principal and emergency spillways to pass the 100-year flood. The embayment will be inundated to Elevation 558 to create a 213-acre lake. Levels will be manipulated seasonally. Upland areas along the embayment's fringe would be inundated during at least three weeks of the growing season to create wetlands. The impoundment will also enhance existing wetlands. Mitigation has the potential to result in 29 acres of wetland creation and 192 acres of enhancement. Isolated wetland pockets will be connected with the open water environment. The embayment, which typically exposes a mudflat at normal winter pool, will remain open water during the fall and winter months providing a waterfowl resting area. Construction is scheduled for October when Wheeler Lake has been lowered to winter pool. Proper erosion control and best management practices will be followed.

Exhibit "A"

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



James W. West
Director

October 25, 1996

Pub James, Jr.
Governor

(334) 271-7700

1751 Cong. W. L.
Dickinson Drive
Montgomery, AL
36109-2608

Mr. R. Kim Pritchard
Trico Steel Company, L. I. C.
701 Bank Street, NW
Decatur, Alabama 35601

Mailing Address:
PO Box 301463
Montgomery, AL
36130-1463

FAX: (334)
Admin: 271-7950
Air: 279-3044
Land: 279-3050
Water: 279-3051
Sp Proj: 213-4399
Field Ops: 272-8131
Backup: 270-5612

Field Offices:

110 Vulcan Road
Birmingham, AL
35209-4702
(205) 942-6168
FAX: 941-1603

400 Well St. N.E.
P.O. Box 953
Decatur, AL
35602-0953
(205) 353-1713
FAX: 240-9359

2204 Perimeter Rd
Mobile, AL
36615-1131
(334) 450-3400
FAX: 479-2593

Post-It® Fax Note	7871	Date	11/1	# of pages	2
To	Ruben Fernandez		From	Beverly Blagg	
Co./Dept.			Co.		
Phone #			Phone #	334-213-4322	
Fax #	615-736-7145		Fax #		

RE: CWA Section 401 Water Quality Certification
COU IPN# 96-82
Proposed Development Fills in Wetlands

Dear Mr. Pritchard:

This office has completed a review of the above-referenced joint public notice and all associated materials submitted related to the proposed project. Comments made during the public notice period have also been forwarded to us for review.

From our review it is understood that the applicant proposes the placement of fill material into six wetlands totalling 21.02 acres for future industrial development.

Because action pertinent to water quality certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. Section 1251, et seq., we hereby issue certification for a period not to exceed five (5) years from the date of issuance that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to the activities specified.

Please be advised that pursuant to federal regulations effective October 1, 1992, Trico Steel Company is required to apply for coverage under a valid NPDES General Permit for stormwater discharges prior to beginning construction or land disturbance above the Ordinary High Water Mark or for any non dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites that will exceed 5 acres or is part of a larger common plan of development or sale in which disturbed acreage will eventually exceed 5 acres.

In addition, please be advised that this certification shall expire eighteen (18) months after issuance if construction or implementation of the proposed project has not begun unless an extension is approved by the Department.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Nashville District Corps of Engineers to incorporate the following as special conditions of the Corps Permit.

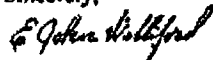
1. The applicant must implement appropriate Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The applicant, at a minimum, must implement applicable BMPs as provided in the ADEM Alabama Nonpoint Source Management Program document and the EPA Stormwater Management for Construction Activities document, as amended. Immediately after completion of the project, the applicant must implement and maintain measures to ensure permanent revegetation or cover of all disturbed areas.
2. All materials used as fill or for construction purposes must be non-toxic, non-leaching, non-acid forming and free of solid waste or other debris.

Please be advised that liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification and may subject the applicant to enforcement action.

Finally, this certification in no way purports to vest in the permittee title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the permittee's possession.

Should you have any questions on this or related matters, please do not hesitate to contact Beverly Blagg in the Mining and Nonpoint Source Section at 334/213-4372.

Sincerely,

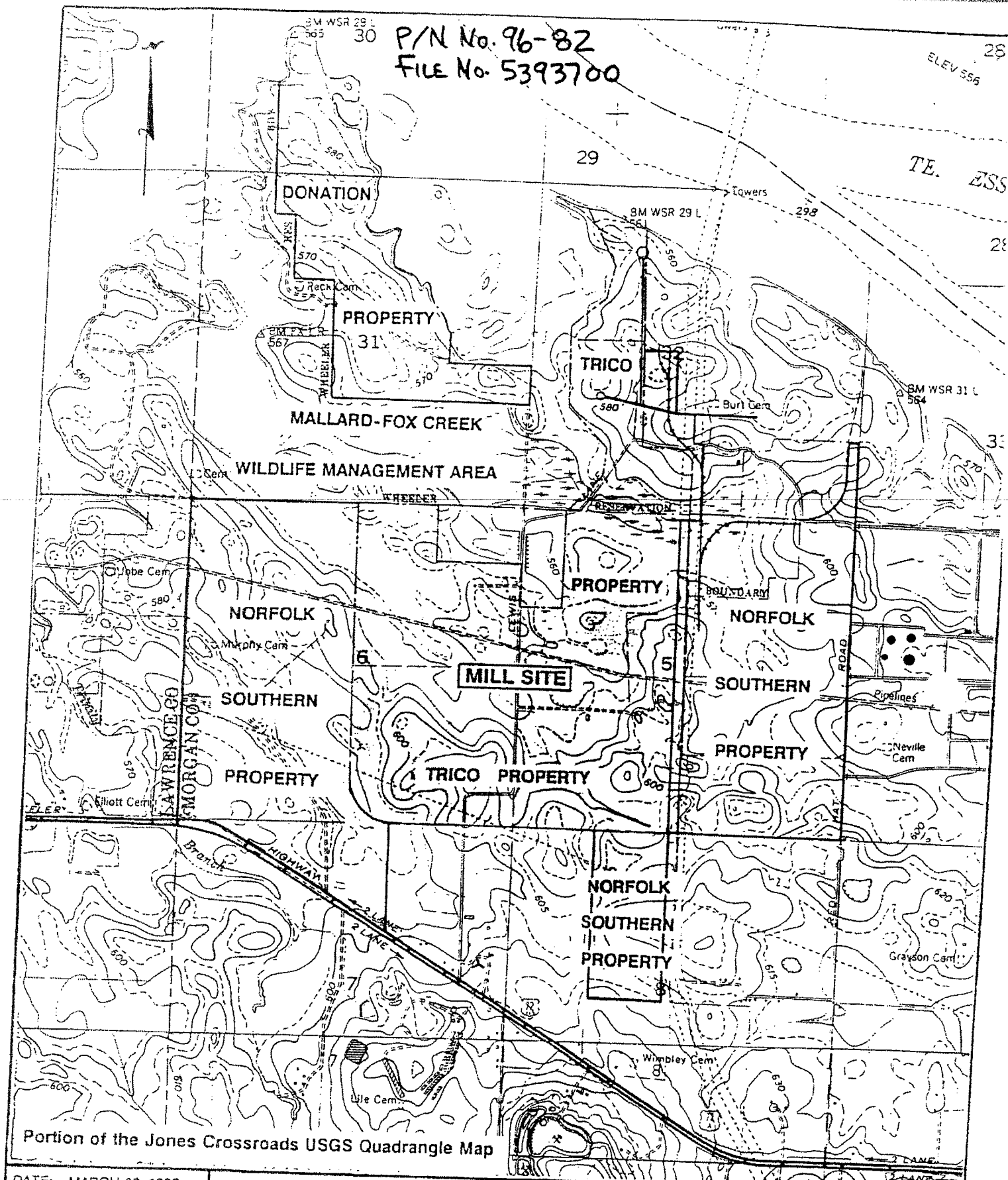


E. John Willford, Chief
Field Operations Division

EJW/bb

pc: J. Ruben Hernandez, Nashville COE
Marilyn Elliott, ADEM
Tom Welborn, EPA Region IV

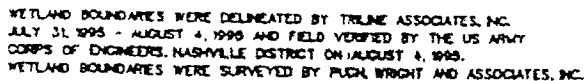
P/N No. 96-82
File No. 5393700



DATE: MARCH 28, 1996
SCALE: 1"=2000'
DR: JWP CK: RKP
DWG. NO. 94137.1

SHALLOW WATER HABITAT PROJECT
TRILINE ASSOCIATES, INC.

FIGURE 1
VICINITY MAP



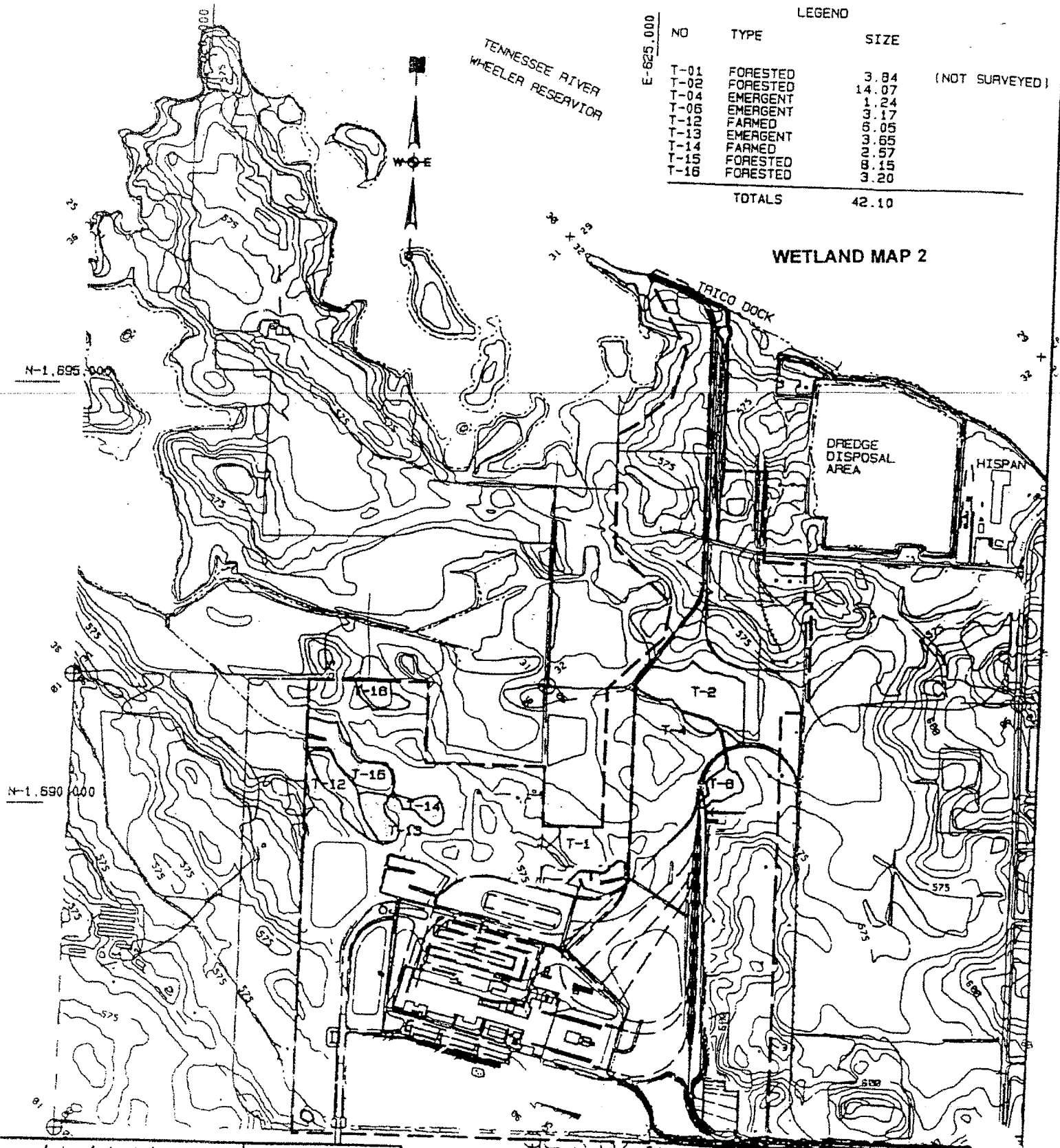
P/N No. 96-82
File No. 5393700

WETLAND MAP
TRICO PROPERTY
(FORMER SEWELL AND TVA PROPERTIES)

LEGEND

NO	TYPE	SIZE	
T-01	FORESTED	3.84	(NOT SURVEYED)
T-02	FORESTED	14.07	
T-04	EMERGENT	1.24	
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TOTALS		42.10	

WETLAND MAP 2



ers/mtp/stn1/desc-96 SK-42-96-8.5X11

SCALE: 1"=1,500'

AWN BY: D.PUCKETT

PROVED BY: PUGH

PUGH, WRIGHT AND ASSOCIATES, INC.

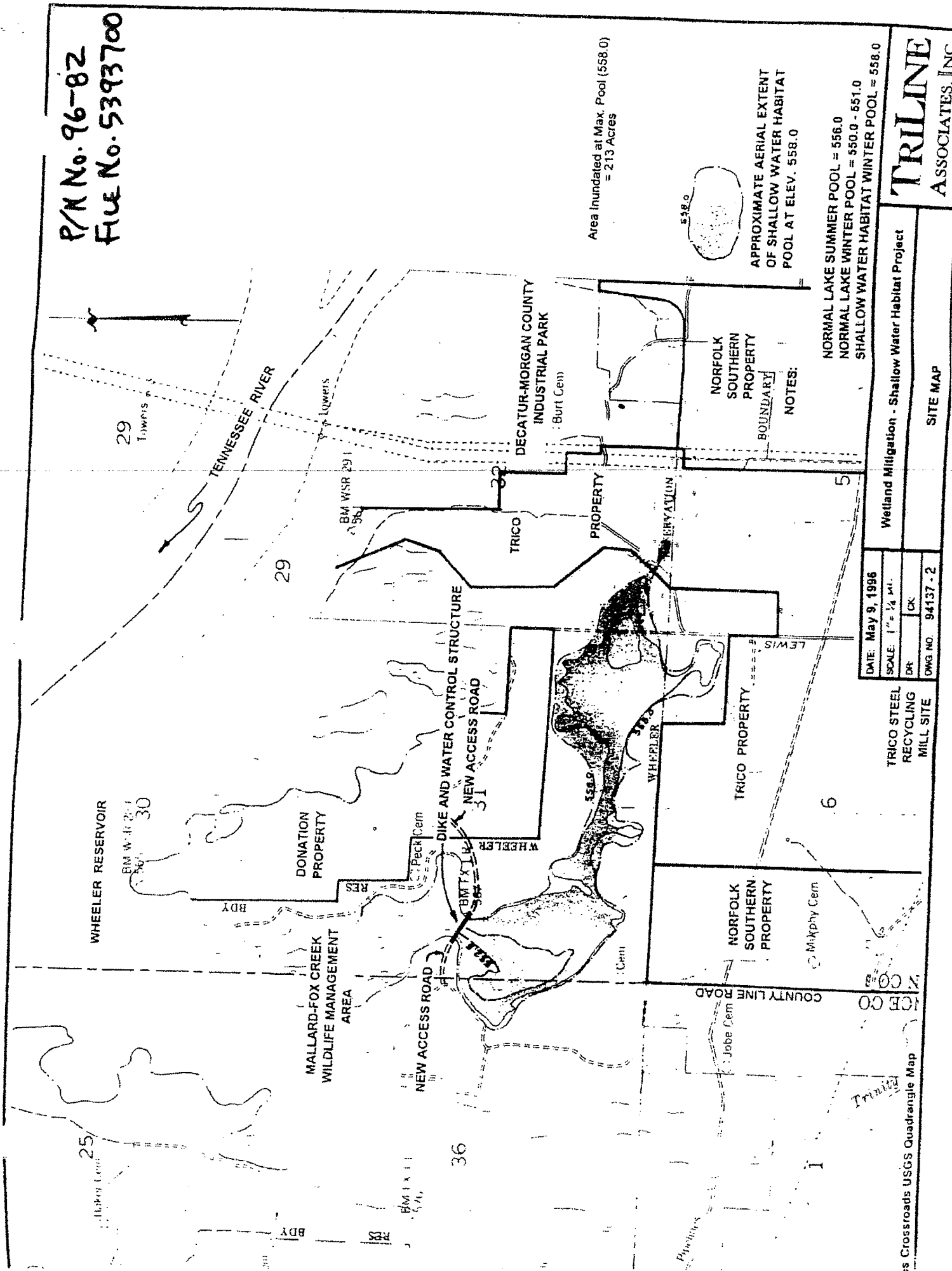
Decatur, Alabama

DATE: JUN., 1996

JOB NO: SK-42-96

PAGE 1 OF 1

P/K No. 96-82
 File No. 5393700



TRILINE
 ASSOCIATES, INC.

Wetland Mitigation - Shallow Water Habitat Project

SITE MAP

DATE: May 9, 1996
 SCALE: 1" = 1/4 MI.
 DR: DK
 DWG NO: 94137-2

TRICO STEEL
 RECYCLING
 MILL SITE

US Crossroads USGS Quadrangle Map

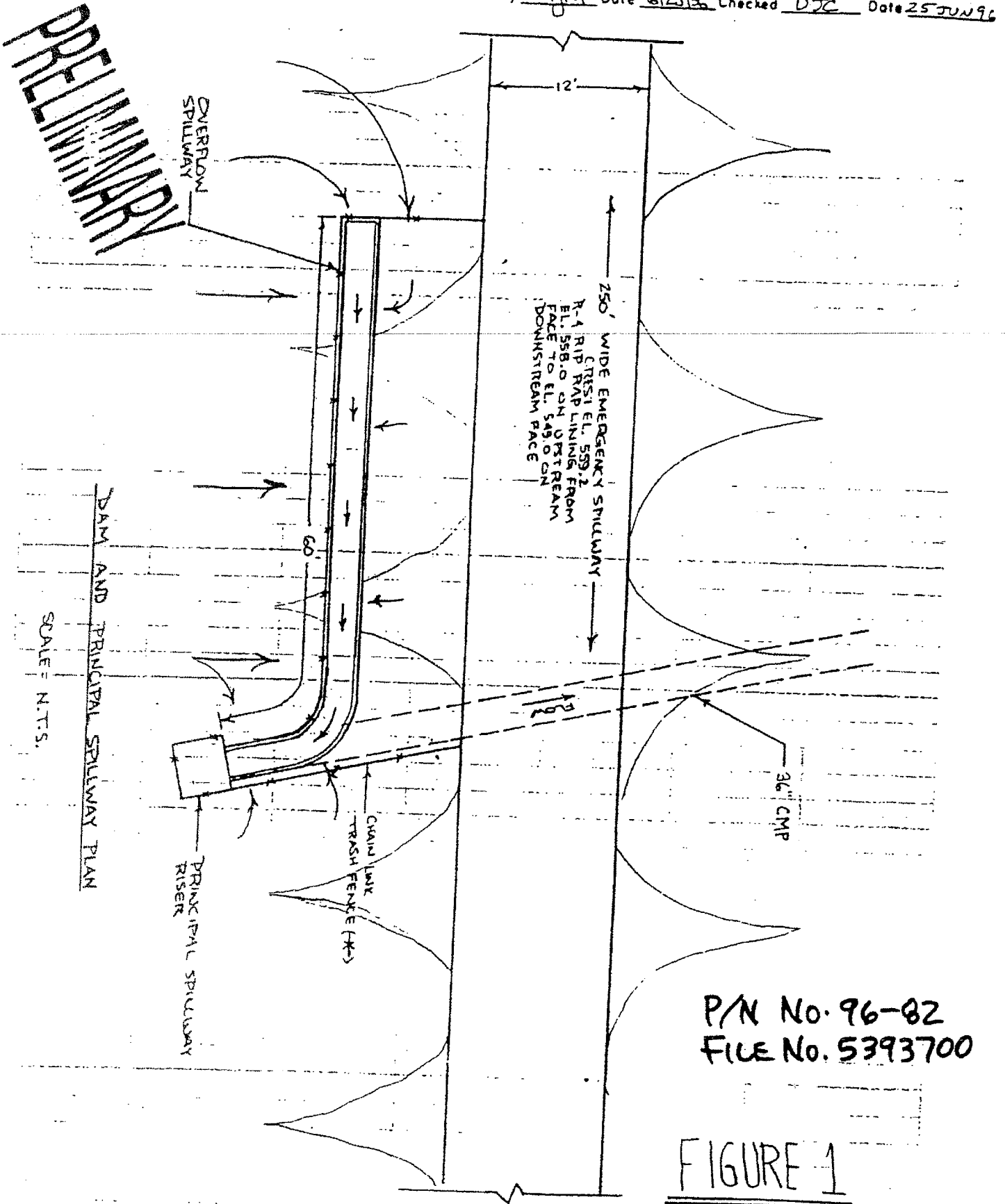
TriLINE ASSOCIATES, INC.
506 VALLEYBROOK ROAD, McMURRAY, PA 15317
412/941-5600
FAX 412/941-5797

Sheet _____ of _____

Job _____ Job No. 94137

Subject _____

Made By MJM Date 6/25/86 Checked DJC Date 25 JUN 96



TriLINE ASSOCIATES, INC.
506 VALLEYBROOK ROAD, McMURRAY, PA 15317
412/941-5600
FAX 412/941-5797

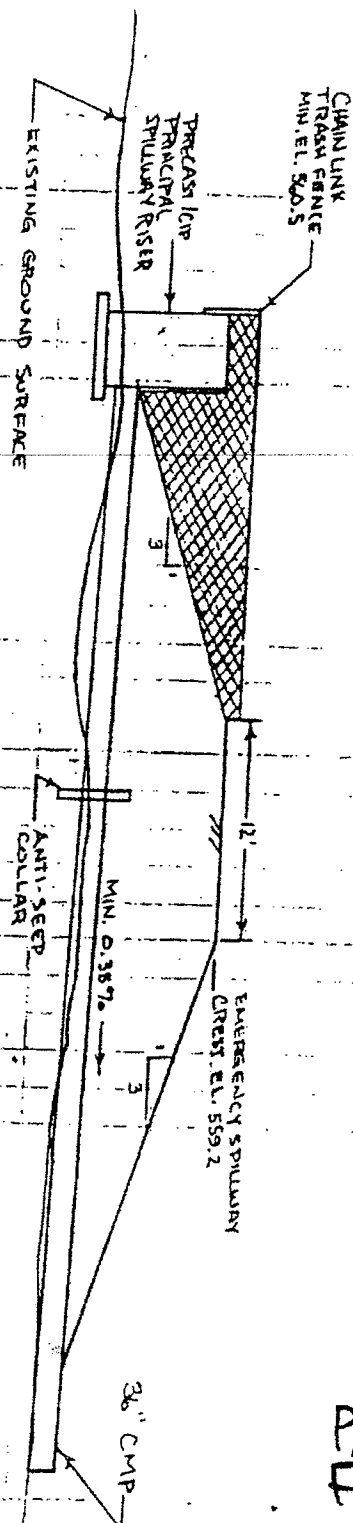
Sheet _____ of _____

Job _____ Job No. _____

Subject _____

Made By MJM Date 6/25/96 Checked DTC Date 25 JUN 97

PRELIMINARY



DAM CROSS SECTION

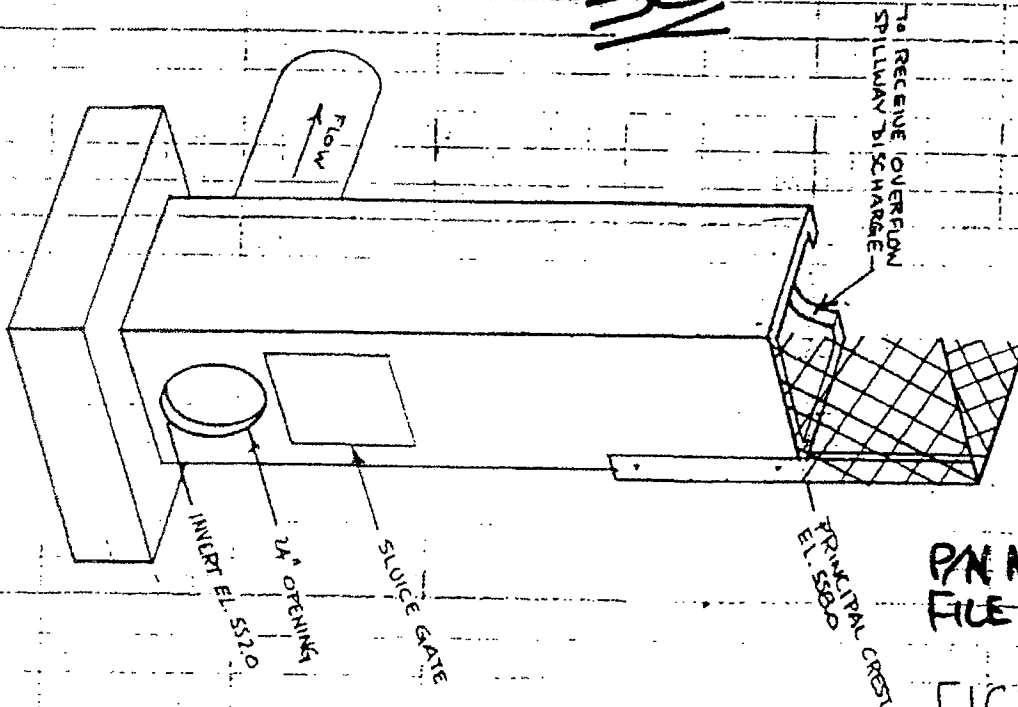
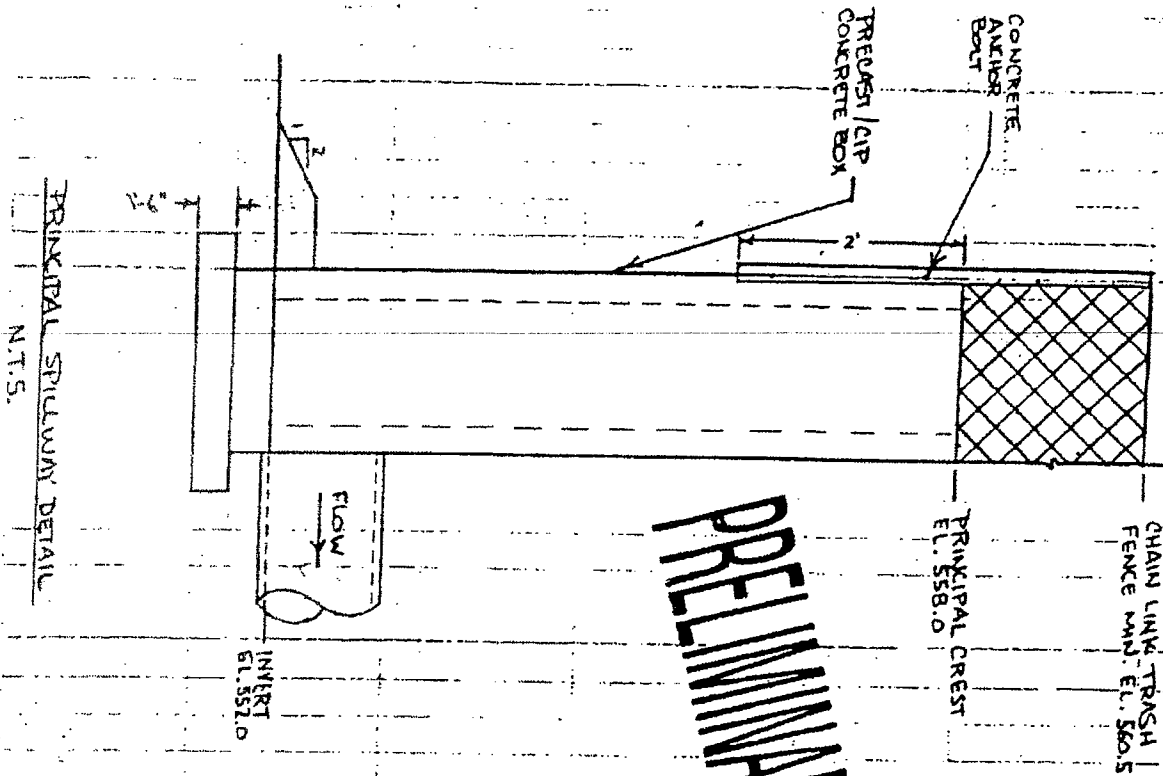
N.T.S.

P/N No. 96-82
File No. 5393700

FIGURE 2

TRILINE ASSOCIATES, INC.
 506 VALLEYBROOK ROAD, McMURRAY, PA 15317
 412/941-5600
 FAX 412/941-5797

Job _____ Job No. 94157
 Subject _____
 Made By NJM Date 6/25/96 Checked DTC Date 25 JUN 96



PN No. 96-82
 FILE No. 53 700

FIGURE 4



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 12, 2003

Regulatory Branch

SUBJECT: File No. 5393700; Time Extension of Permits for Barge Terminal, Fleeting Area, and Development Fills in Wetlands at Tennessee River Mile 297.5, Left Bank, Morgan County, Alabama (Wheeler Lake)

Mr. Jeff Braun
Nucor Steel Decatur, LLC
P.O. Box 2249
Decatur, Alabama 35609

Dear Mr. Braun:

In accordance with your June 2, 2003, request, I have authorized a time extension for the existing Nucor Steel permits. By this letter, I am authorizing a final completion date of **July 31, 2008**, for the Department of the Army permits. For your convenience, I have attached copies of the two permits, dated July 31, 1995, (for the terminal) and November 18, 1996, (for the development in wetland fills) and all modifications to the permits. The information enclosed with this letter should be a complete package of existing permits.

Our records have been changed to reflect this change. According to your letter, most of the work has been completed, except for the 21.02-acre wetland fill for development, the 0.42-acre wetland fill for the rail spur, the 0.15-acre wetland fill for the road, and the seven mooring cells (the five in the fleeting area have completed). It is my understanding that the mitigation for the wetland fills is finished. All other conditions of the original permits remain in full force and effect. If any other changes in the plans of the work are necessary for any reason, revised plans should be submitted promptly to this office.

It is your responsibility to obtain any other federal, state, and/or local approval necessary for the work. You should contact the Alabama Department of Environmental Management to see if their water quality certification for the work is still valid and the Tennessee Valley Authority to see if their permit is valid.


-2-

If you have any questions, please contact me at the above address or telephone (615) 369-7504.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Steven W. Gay
LTC Corps of Engineers

BY:



Lisa R. Morris
Project Manager
Operations Division

Enclosures

Copy Furnished:

Tennessee Valley Authority
Wheeler Watershed Team
P.O. Box 1010
Muscle Shoals, AL 35662

Mr. Mitt Walker
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130

originally issued 7/31/95
expired on 7/31/98
- got permit extension to expire 7/31/03
- one more extension to expire 7/31/06
Jm

June 2, 2003

Mr. Forrest McDaniel
Office Manager
US Army Corps of Engineers
Western Field Group
2042 Beltline Road SW
Building C Suit 415
Decatur, AL 35601

Subject: Permit File No. 53,937

Dear Mr. McDaniel,

We request the renewal of the above reference permit which is due to expire on July 31, 2003. The following activities have not been completed that are allowed in this permit:

-Placement of fill material into a 0.42 acre forested wetland to locate a rail spur. This wetland is located along the south property boundary near the southeast property corner.

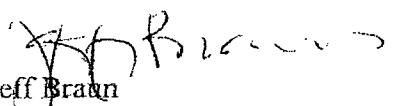
-Placement of fill material into 0.15 acres of a forested wetland to widen the existing Barge Dock Road by 30 ft.

-Placement of fill material into six wetlands areas totaling 21.02 acres to locate anticipated industrial development surrounding the Nucor Decatur, LLC minimill. The impacted acreage involves 9.22 acres farmed, 3.65 acres emergent, and 8.15 acres of forested wetlands. Four of these wetlands form a wetland system. They are located northwest of the main gate and downstream of Pond 1. Two of these wetlands are located along the southwest property boundaries behind a farmhouse.

-Construction of seven 16ft. mooring cells in the barge berthing area.

(256)
Please contact me at 301-3508 if you have any questions or need further information.

Sincerely,


Jeff Braun
Environmental Manager

MODIFICATION GRANTED 6/12/03

JUN 03 2003

DEPARTMENT OF THE ARMY PERMIT

Permittee Trico Steel Company, L.L.C.

Permit No. 53,937

Issuing Office Nashville District, Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

SEE ENCLOSED DESCRIPTION OF WORK, EXHIBIT "A"

Project Location: Mile 297.5, left bank, Tennessee River (Wheeler Lake), near Decatur, in Morgan County, Alabama (USGS Jones Crossroads Quadrangle).

Permit Conditions:

General Conditions:

- 2008 *Jm*
JULY 31, 1998
1. The time limit for completing the work authorized ends on JULY 31, 1998. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(SEE CONTINUATION SHEET 1)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

CONTINUATION SHEET 1
SPECIAL CONDITIONS
FILE NO. 53,937

1. The work must be in accordance with any plans attached to this permit.
2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
3. You must have a copy of this permit available on the site and ensure all contractors are aware of its conditions and abide by them.
4. An on-site preconstruction meeting must be held among representatives of the Nashville District Corps of Engineers, permittee, and contractor(s) to discuss the conditions of this permit.
5. Appropriate precautions shall be taken while working near the aerial powerline and submarine pipeline crossings (identified as crossings 1 & 2, Sheet 1) located adjacent to your upstream property boundary to prevent accidents.
6. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number:

Cdr. Second Coast Guard District (oan)
1222 Spruce Street
St. Louis, Missouri 63103-2832
(314) 539-3714
7. The discharge shall consist of suitable material free from toxic pollutants in toxic amounts.
8. The fill created by the discharge shall be properly maintained to prevent erosion and other non-point pollution sources.
9. You must institute and maintain a strict erosion and sediment control program for the life of the project and ensure that all disturbed areas are properly seeded, riprapped, or otherwise stabilized as soon as practicable to prevent erosion.
10. The disturbance to riparian vegetation shall be kept to a minimum during construction.
11. This permit also authorizes the periodic maintenance dredging of the project herein approved which may be performed under this permit for ten years from the date of issuance of this permit. You must advise this office in writing at least two months before you intend to undertake any maintenance dredging.

12. Material dredged hydraulically or mechanically must be disposed of in an approved landfill or suitable upland location. Proper containment and stabilization shall be effected to prevent re-entry of material into the waterway. Open-water spoil disposal is strictly prohibited.
13. Practicable measures to minimize aquatic life and water quality impacts shall be employed throughout the dredging operation, particularly during the spring fish spawning period of March 1 to June 1.
14. Dredged areas shall be cleared to the permitted bottom elevations by "sweeping". Sweeping involves dragging an horizontal segment of beam, rail, or bar suspended from a barge or vessel adjusted to the proper dredging depth.
15. Before your marine contractor demobilizes floating plant equipment from the site, a joint on-site final inspection must be scheduled to determine if all work related to the DA permit has been successfully completed.
16. As-built drawings shall be furnished this office within 60 days of completion of construction showing final dimensions and elevations of facilities described and authorized by this permit.
17. As soon as the property donation to the Alabama Department of Conservation and Natural Resources is accomplished, evidence of the transfer must be provided to this office.
18. No more than 18 barges may be moored to the terminal at any one time (6 barges long by 3 barges wide).
19. No more than 16 barges may be moored in the designated fleeting area at any one time (4 barges long by 4 barges wide).

DESCRIPTION OF WORK
FILE NO. 53,937

Barge Terminal. Construction of a 200'x450' concrete deck at Elevation 565 (Sheets 4-7). The estimated quantity of select backfill below normal summer pool (NSP), Elevation 556, for dock and deck area is 850 cubic yards (cy) and 5,000 cy above NSP. The average select backfill per cell below NSP is 320 cy and 190 cy above NSP. An average of three to six barges loaded with raw materials including steel scrap, pig iron, hot-briquetted iron, direct reduced iron, and iron carbide will be delivered daily to the facility. Line tow barges will be broken down in the main barge channel. Barges will then be moved through the dock area via a winching system. Two mobile cranes will load/unload materials between barges and dockside rail. An average of three to six barges loaded with materials, including finished steel coils and waste (slag, scale, and dust), will be delivered to the main channel via a harbor tow for pickup by the line tow. Seven 16' diameter mooring cells will be constructed in the barge docking area (Sheets 4, 5, & 11). The average select backfill per cell below NSP is 90 cy and 50 cy above NSP.

Dredging. The existing barge channel will be expanded into the barge fleeting area by dredging approximately 70,000 cy (Sheets 4 & 8-10). The bottom of the barge docking and fleeting areas and the existing barge channel will be the same, Elevation 538. The dredged material will be disposed of in an approved landfill or suitable upland location. Proper containment and stabilization shall be effected to prevent re-entry of material into the waterway. Some minor dredging may be required at the barge docking area; however, this volume has been included in the total figure given above.

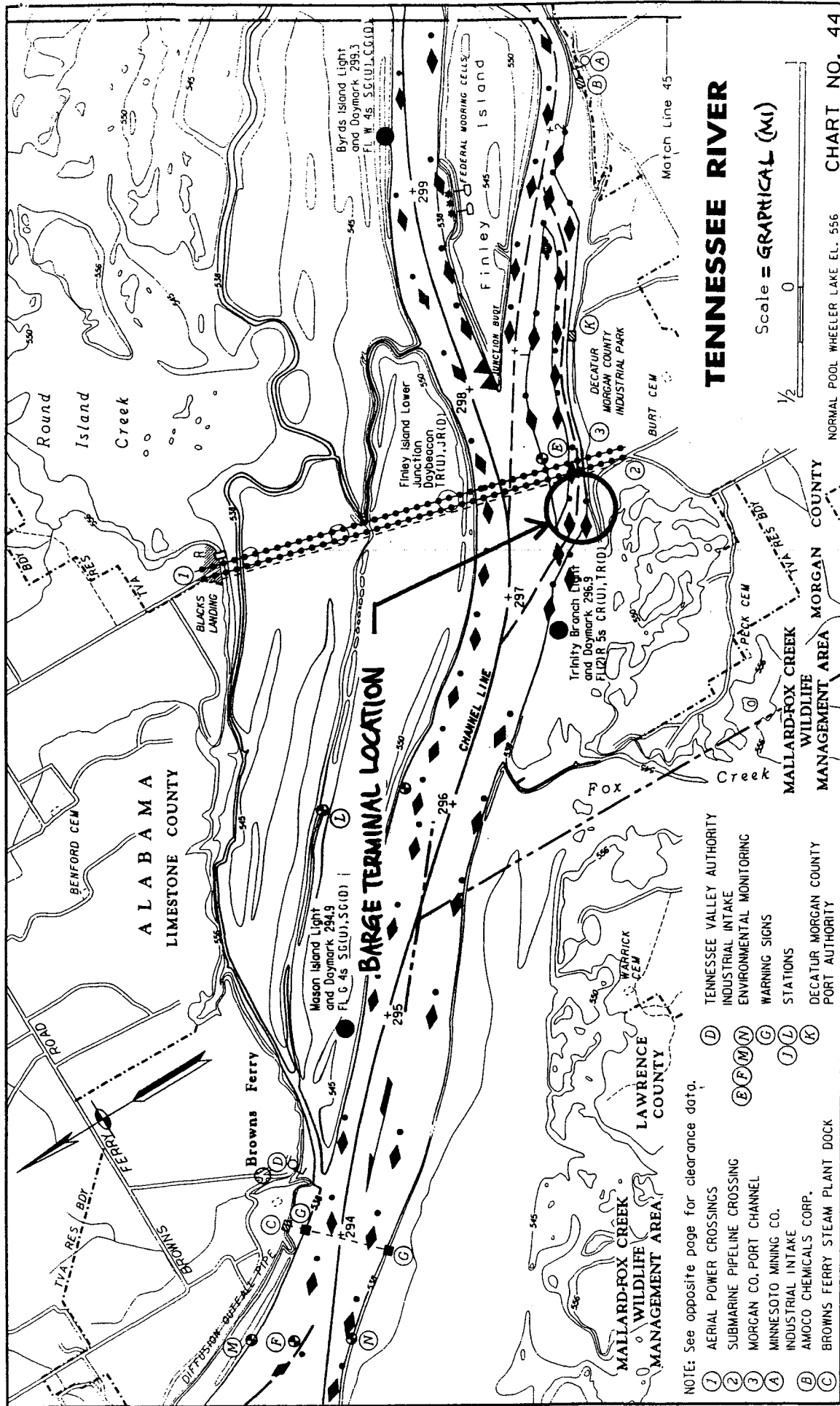
Fleeting Area. Construction of five 16' diameter mooring cells or dolphins in the proposed fleeting area for staging of full and/or empty barges (Sheets 4 & 11). Line tow barges would be broken down in the main barge channel. A harbor tow will move loaded and empty barges as needed between the fleeting area and the dock area. The fleeting area will accommodate a maximum of 16 barges (4 barges long by 4 barges wide).

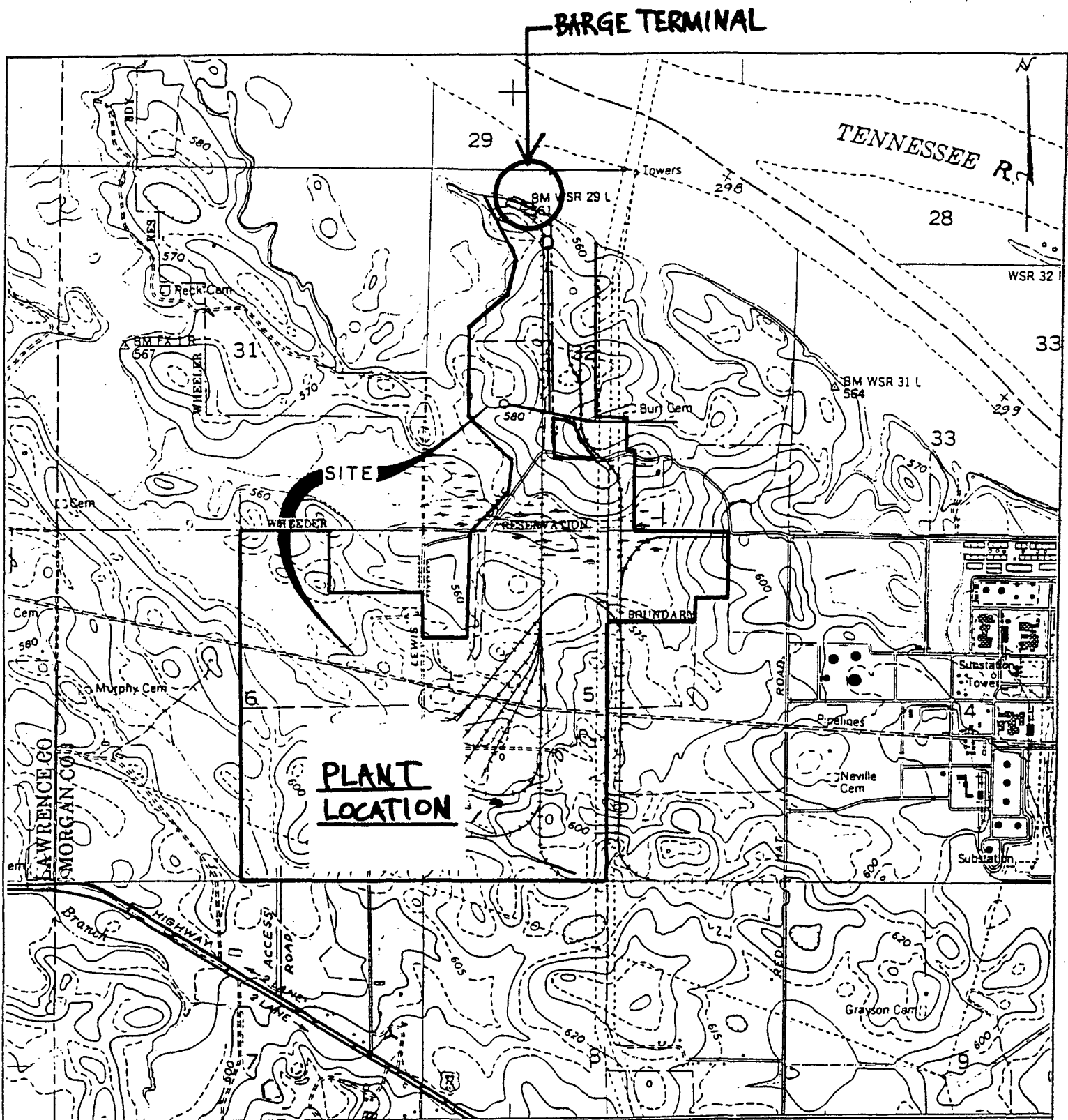
Wetlands Encroachment/Mitigation. Construction of the plant, railroad, road widening, and stormwater detention ponds will disturb approximately 1.98 acres of wetlands--0.13 acres farmed, 1.06 emergent, 0.79 shrub-scrub--located in the property (Sheets 12-18). A 224-acre parcel of property located adjacent to the Mallard-Fox Creek Wildlife Management Area, near Decatur, Alabama (Sheet 3), will be donated to the Alabama Department of Conservation and Natural Resources, Game and Fish Division. The parcel will be contributed in the interest of maintaining the natural integrity in this area.

e. Detention Ponds. Detention Pond Cell A will be constructed to initially serve as part of a system to control construction-related project sedimentation and erosion (Sheet 12). Cell A will be converted to a stormwater detention facility when the mill project construction phase is complete. An oil/water separator will be installed to treat stormwater entering Cell A.

Sheet 18, Section J-J, shows the partial excavation of Wetland 14 which is a 7 acre farmed wetland. The proposed excavation will be done as part of the construction of Detention Pond Cell B which will only be used for the detention of stormwater. Cell B will be constructed when Cell A is converted to a stormwater facility after the project construction phase is complete. Stormwater will pass through an oil/water separator and Cell A before it enters Cell B. Cell B will be designed and constructed to detain a 10-year storm event. The bottom of Cell B including Wetland 14 will likely be flooded on an average of twice per year. Stormwater will flow out the discharge pipe at a rate approximately equal to the pre-project runoff rate. Cell B will not retain water for an extended period.

STREET 1 of 18





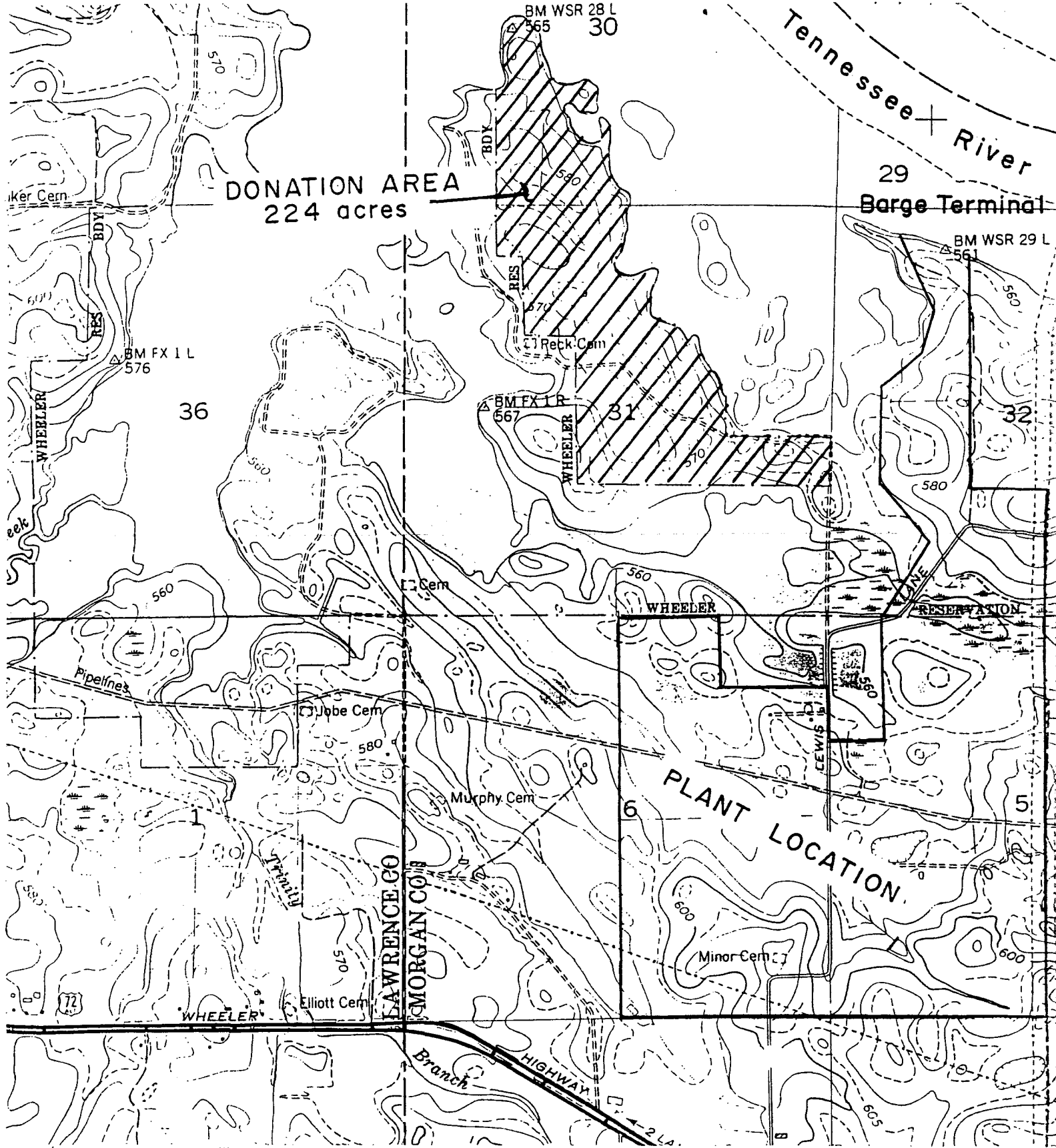
NOTE: THIS VICINITY MAP
IS A PHOTO ENLARGEMENT
OF THE JONES CROSSROADS
AND THE TRINITY, ALA.,
USGS 7.5 MIN QUADRANGLE
MAPS.

VICINITY MAP
0 1000' 2000' 4000'
TRICO STEEL COMPANY, L.L.C.
PROPOSED MINIMILL

PROPOSED PORT FACILITY
AND
WETLAND ENCROACHMENT
IN: TENNESSEE RIVER
AT: RIVER MILE
COUNTY: MORGAN STATE: ALA

DATE: FEB. 13, 1995

REV. 3/20/95 JRA
SHEET 2 of 18



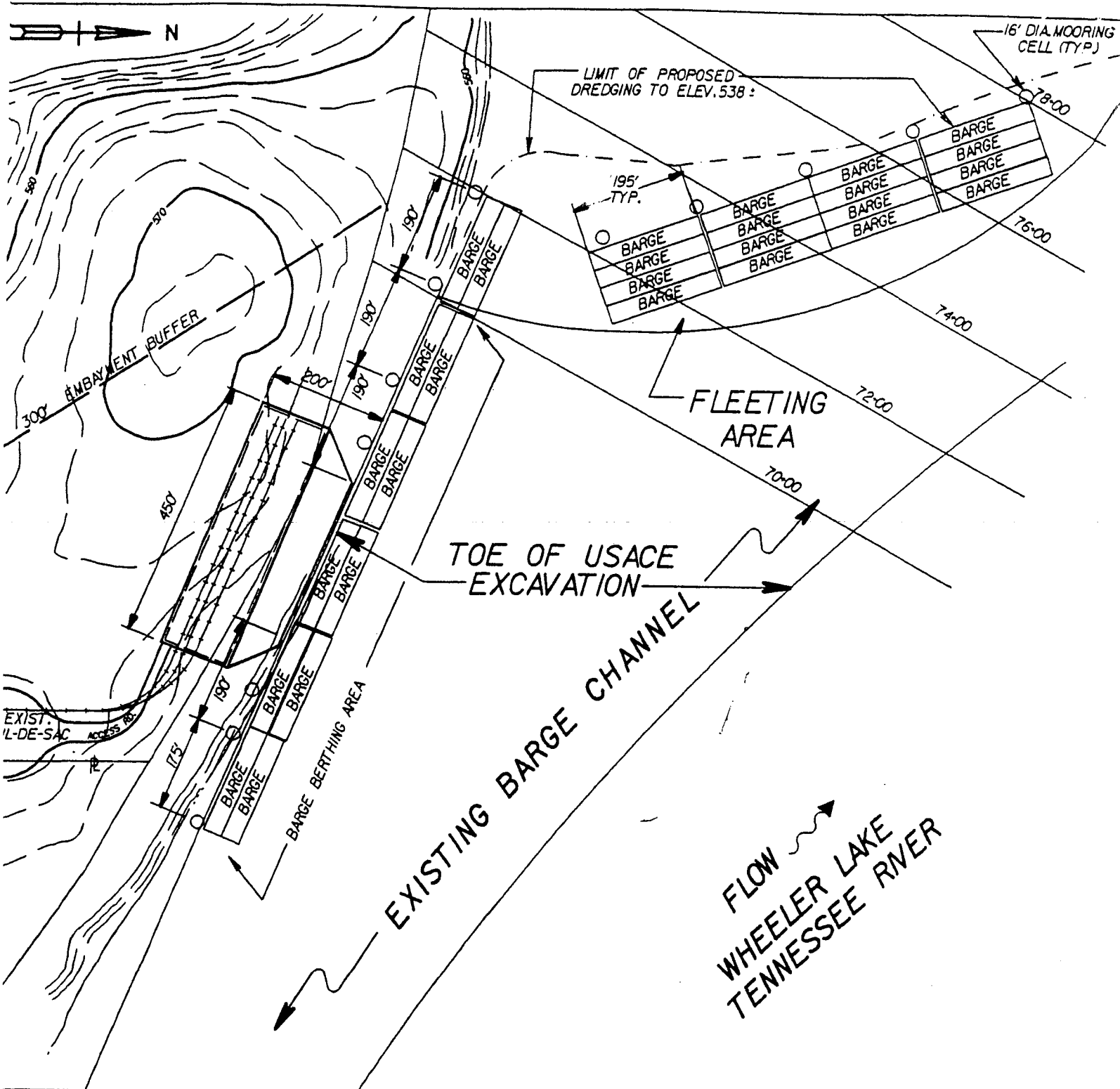
SCALE 1" = 2000'
TRINITY, ALA
USGS 7.5 MIN QUAD.

TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

PROPOSED DONATION AREA
224 ACRES
COUNTY OF MORGAN, ALA.

MARCH 27, 1995

SHEET 3 OF 18



PURPOSE: PROVIDE DOCK
FACILITY FOR TRICO
STEEL, L.L.C. MINIMILL
DATUM: MSL

ADJACENT PROPERTY
OWNER:

1. U.S.A. - TVA
2. INDEPENDENCE TUBE
CORP.

SITE PLAN

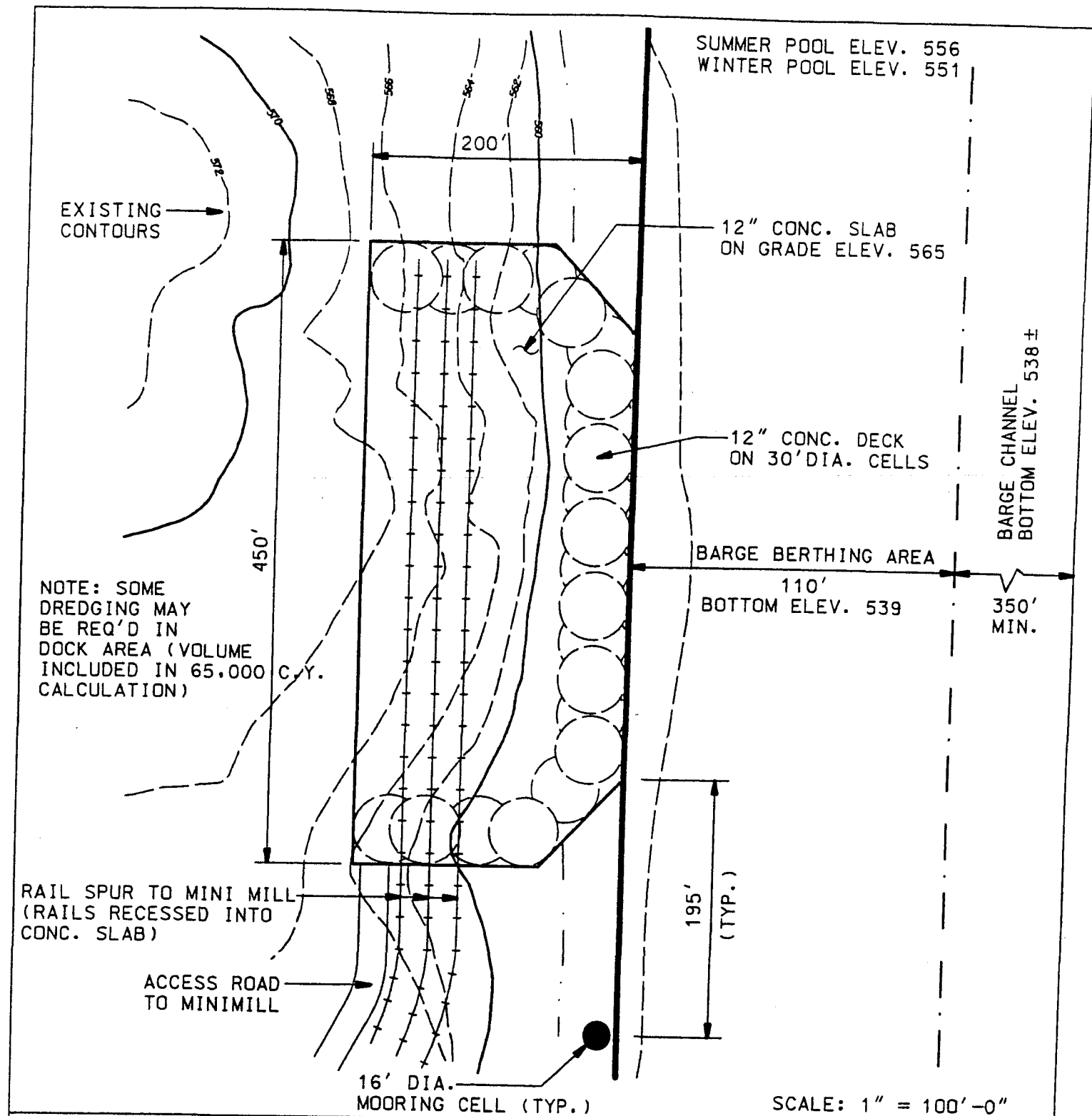
TRICO STEEL COMPANY L.L.C.
25 WEST PROSPECT AVE.

CLEVELAND, OH. 44115

PROPOSED DOCK FACILITY
IN: TENNESSEE RIVER
AT: MILE 297.5 L

COUNTY OF MORGAN
MARCH 27, 1995

SHEET 4 OF 18



PURPOSE: PROVIDE DOCK
FACILITY FOR TRICO
STEEL, L.L.C. MINIMILL
DATUM: MSL

ADJACENT PROPERTY
OWNER:
1. U.S.A. - TVA

PORT FACILITY
PLAN VIEW

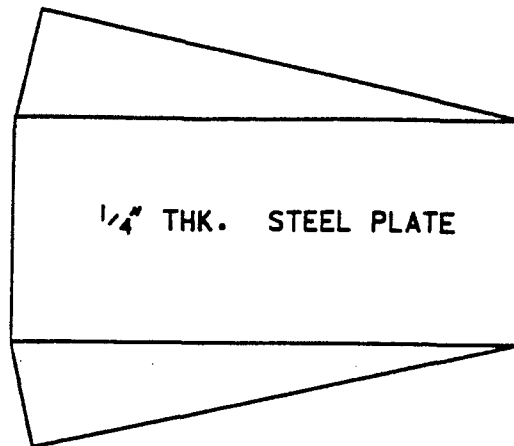
TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550

INDEPENDENCE, HO. 44131

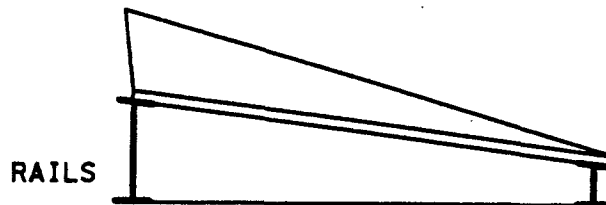
PROPOSED DOCK FACILITY
IN: TENNESSEE RIVER
AT: MILE 297.5 L

COUNTY OF MORGAN
MARCH 27, 1995

SHEET 5 OF 18



PLAN



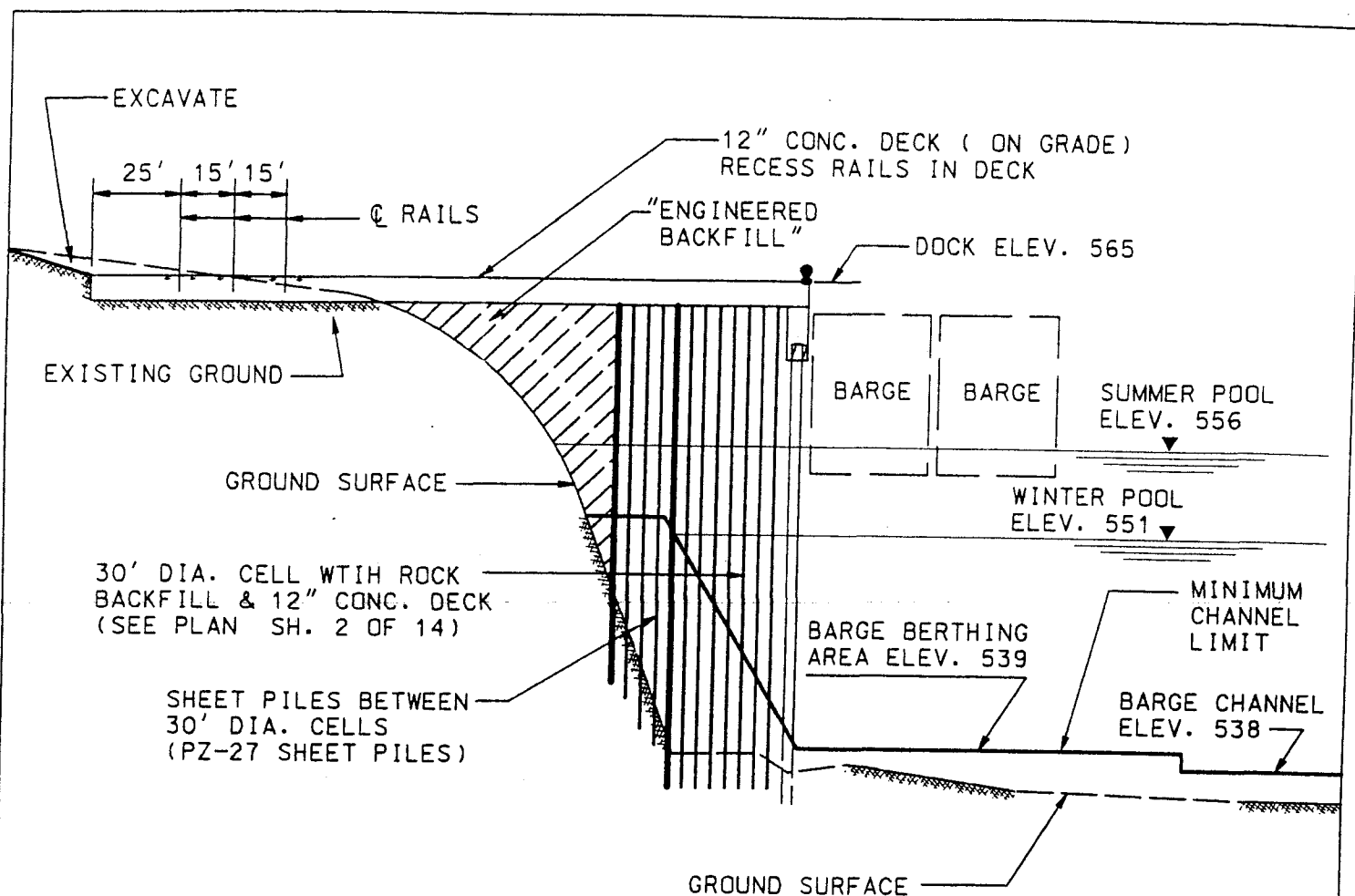
SECTION

SPILL PAN DETAILS*

NOT TO SCALE

* MOVEABLE SPILL PAN TO BE PLACED ON DECK AS REQUIRED FOR UNLOADING ACTIVITY TO DIRECT SCRAP BACK INTO BARGE IF DROPPED.
(SIZE TO BE DETERMINED LATER)

<p>PURPOSE: PROVIDE DOCK FACILITY FOR TRICO STEEL CO., L.L.C. MINIMILL DATUM: MSL</p> <p>ADJACENT PROPERTY OWNERS: 1. U.S.A. - TVA</p>	<p>SPILL PAN DETAILS</p> <p>TRICO STEEL COMPANY L.L.C. 3 SUMMIT PARK DRIVE SUITE 550 INDEPENDENCE, OH 44131</p>	<p>PROPOSED DOCK FACILITY IN: TENNESSEE RIVER AT: MILE 297.5 L</p> <p>COUNTY OF MORGAN, AL MARCH 27, 1995</p> <p>SHEET <u>6</u> OF <u>18</u></p>
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- NOTES: 1. SELECT BACKFILL SHALL CONSIST OF CRUSHED AGGREGATE GRADED 2" TO 1/2" PARTICLE SIZE.
2. THE AVERAGE SELECT BACKFILL PER CELL BELOW ELEV. 556 IS 320 CY. AND 190 CY ABOVE ELEV. 556
3. THE ESTIMATED QUANTITY OF SELECT BACKFILL BELOW 556 FOR THE DOCK AND CONC. DECK AREA IS 850 CY AND 5000 CY ABOVE ELEV. 556.
4. CROSS SECTION TAKEN FROM U.S. CORP. OF ENGINEERS DWG. NO. Q2-L3-65/14.3 (20-DEC. 89) REV.

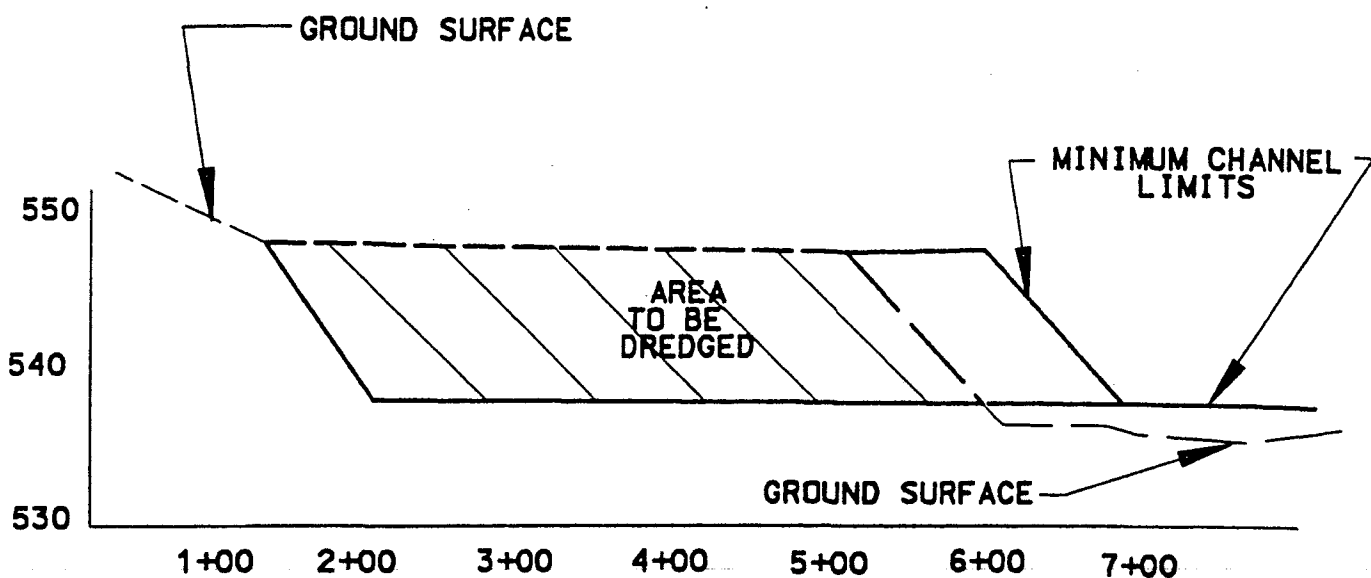
1" = 50' HORIZ.
1" = 10' VERT.

PURPOSE:
PROVIDE PORT FACILITY
FOR TRICO STEEL CO., L.L.C.
MINIMILL
DATUM: MSL
ADJACENT PROPERTY OWNERS:
1. U.S.A. - TVA
2. INDEPENDENCE TUBE CORP.

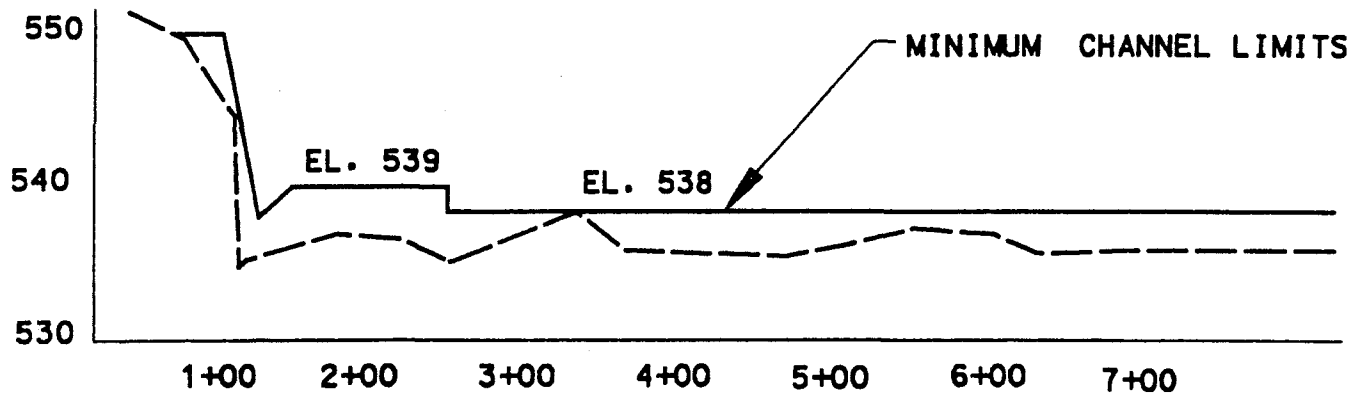
PORT FACILITY SECTION VIEW
TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

PROPOSED DOCK FACILITY
IN: TENNESSEE RIVER
AT: MILE 297.5 L
COUNTY OF MORGAN, AL
MARCH 27, 1995

SHEET 7 OF 18



SECTION 72+00



SECTION 70+00

NO DREDGING THIS SECTION

PURPOSE: DREDGE TO
EXPAND BARGE
BERTHING AND CHANNEL

DATUM: MSL

ADJACENT PROPERTY OWNERS:

1. U.S.A. - TVA
2. INDEPENDENCE TUBE CORP.

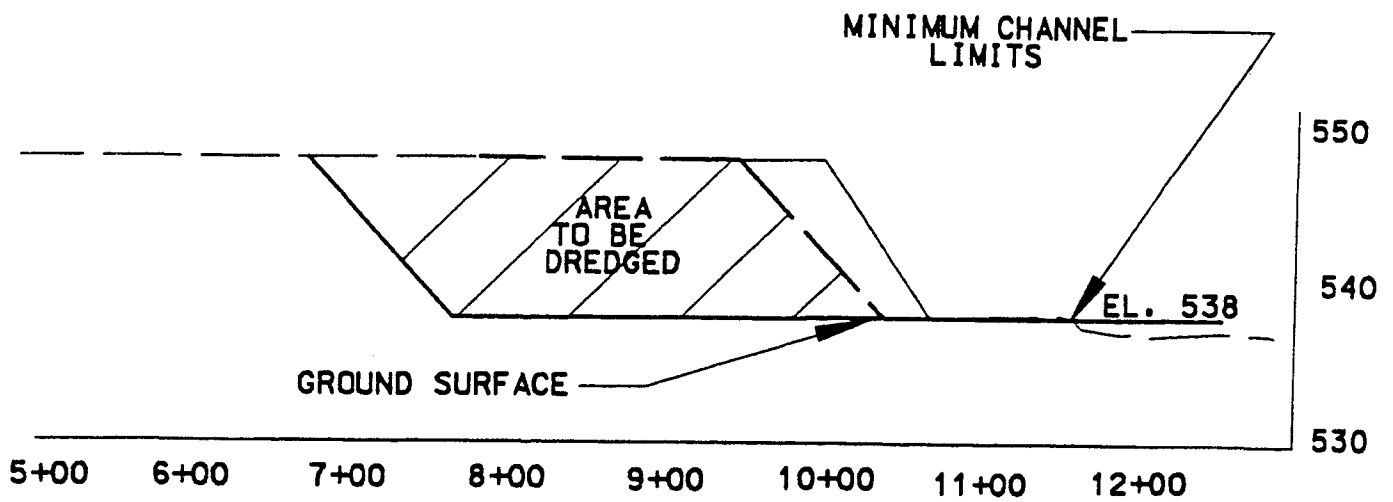
CHANNEL SECTION

TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

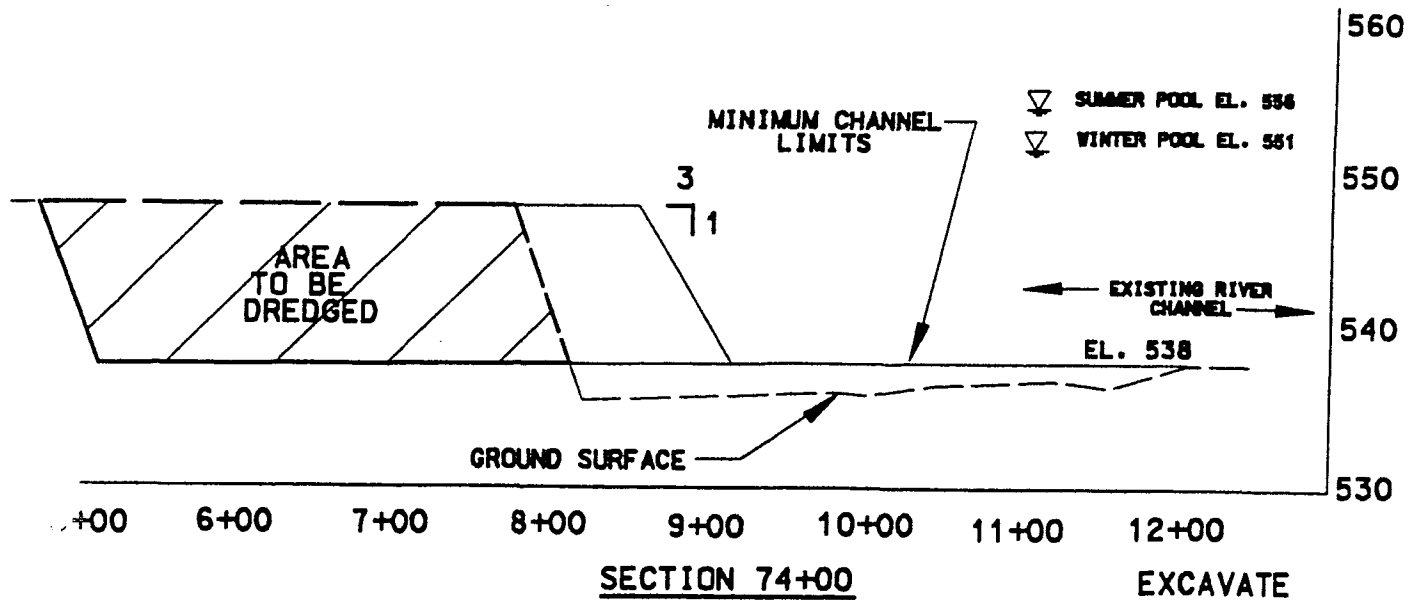
PROPOSED DREDGING

COUNTY OF MORGAN, AL
FEB. 13, 1995

SHEET 8 OF 18



SECTION 76+00



SECTION 74+00

EXCAVATE

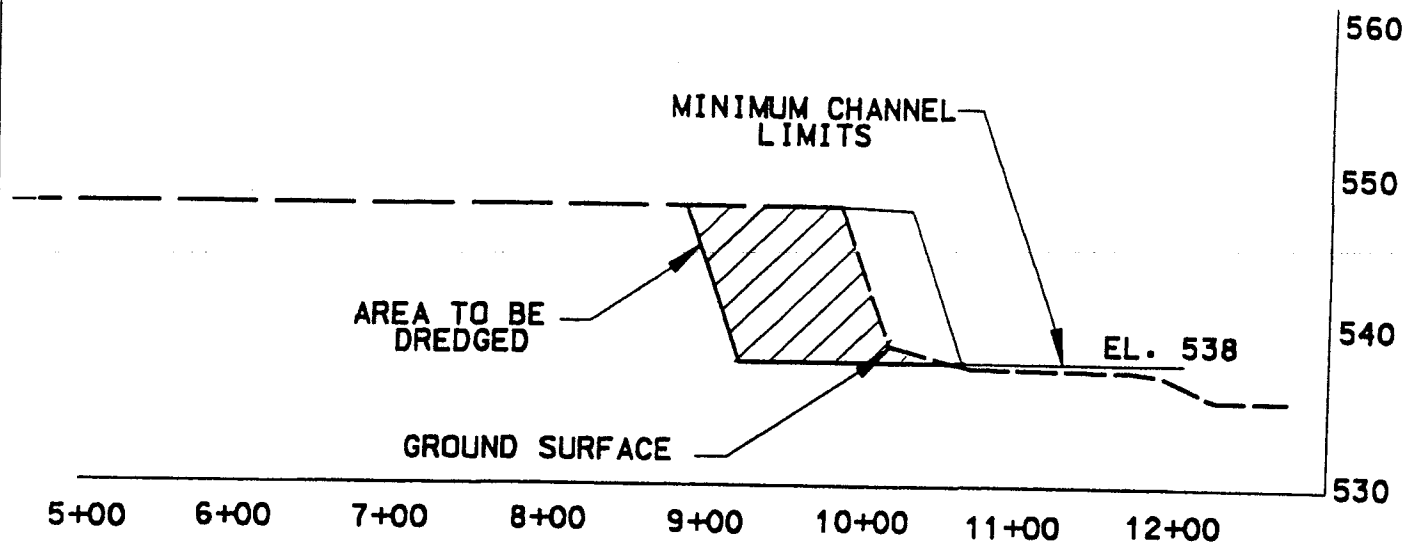
PURPOSE: DREDGE TO
EXPAND BARGE
BERTHING AND CHANNEL
DATUM: MSL

ADJACENT PROPERTY OWNERS:
1. U.S.A. - TVA
2. INDEPENDENCE TUBE CORP.

CHANNEL SECTION
TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

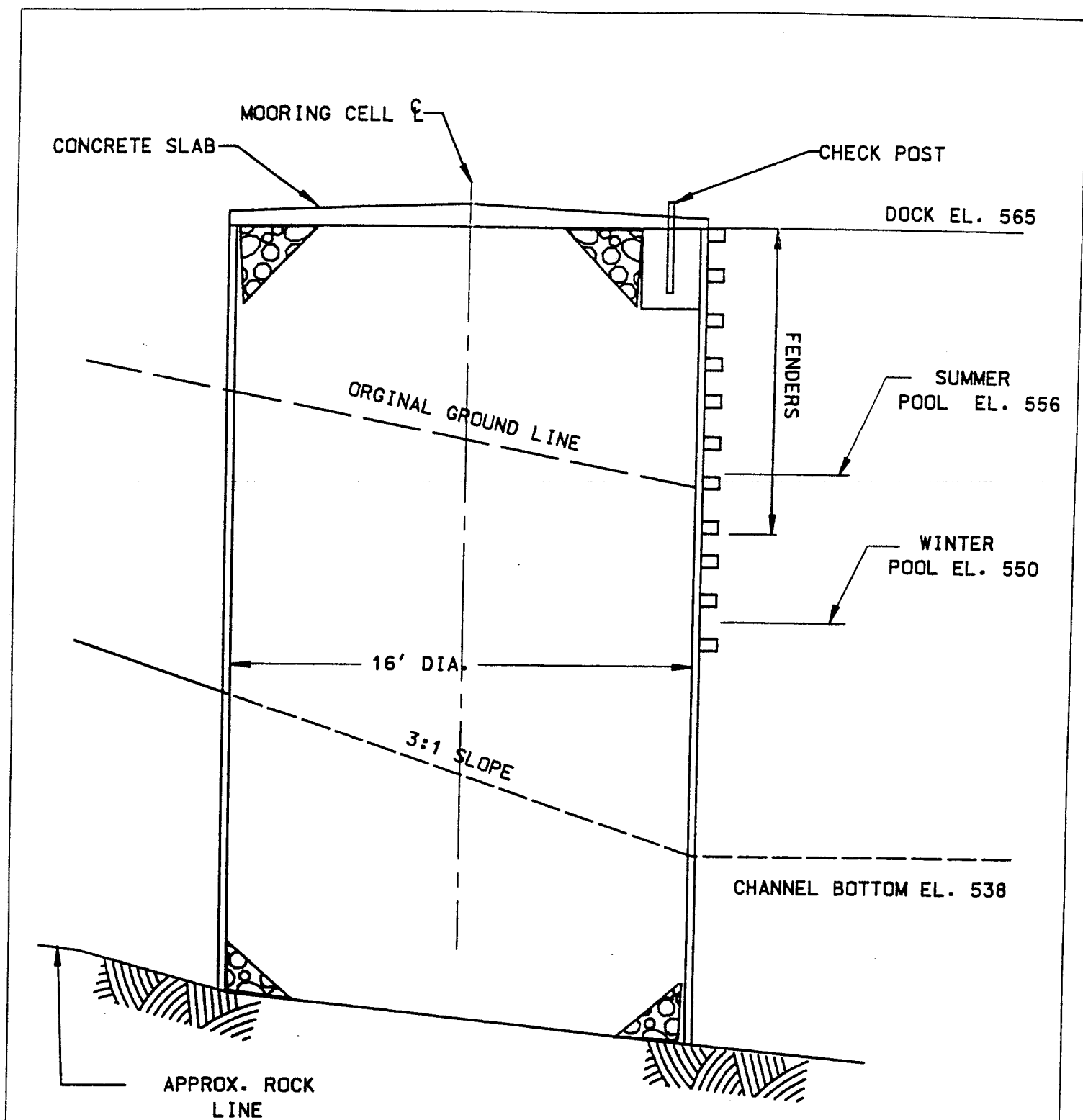
PROPOSED DREDGING
COUNTY OF MORGAN, AL
MARCH 27, 1995

SHEET 9 **OF** 18



SECTION 78+00

<p>PURPOSE: DREDGE TO EXPAND BARGE BERTHING AND CHANNEL DATUM: MSL</p> <p>ADJACENT PROPERTY OWNERS:</p> <ol style="list-style-type: none"> 1. U.S.A. - TVA 2. INDEPENDENCE TUBE CORP. 	<p>CHANNEL SECTION</p> <p>TRICO STEEL COMPANY L.L.C. 3 SUMMIT PARK DRIVE SUITE 550 INDEPENDENCE, OH 44131</p>	<p>PROPOSED DREDGING</p> <p>COUNTY OF MORGAN, AL MARCH 28, 1995</p> <p>SHEET <u>10</u> OF <u>18</u></p>
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PURPOSE:
 PROVIDE PORT FACILITY
 FOR TRICO STEEL CO., L.L.C.
 MINIMILL
 DATUM: MSL
 ADJACENT PROPERTY
 OWNERS:
 1. U.S.A. - TVA
 2. INDEPENDENCE TUBE CORP.

TYPICAL MOORING CELL
 TRICO STEEL COMPANY L.L.C.
 3 SUMMIT PARK DRIVE
 SUITE 550
 INDEPENDENCE, OH 44131

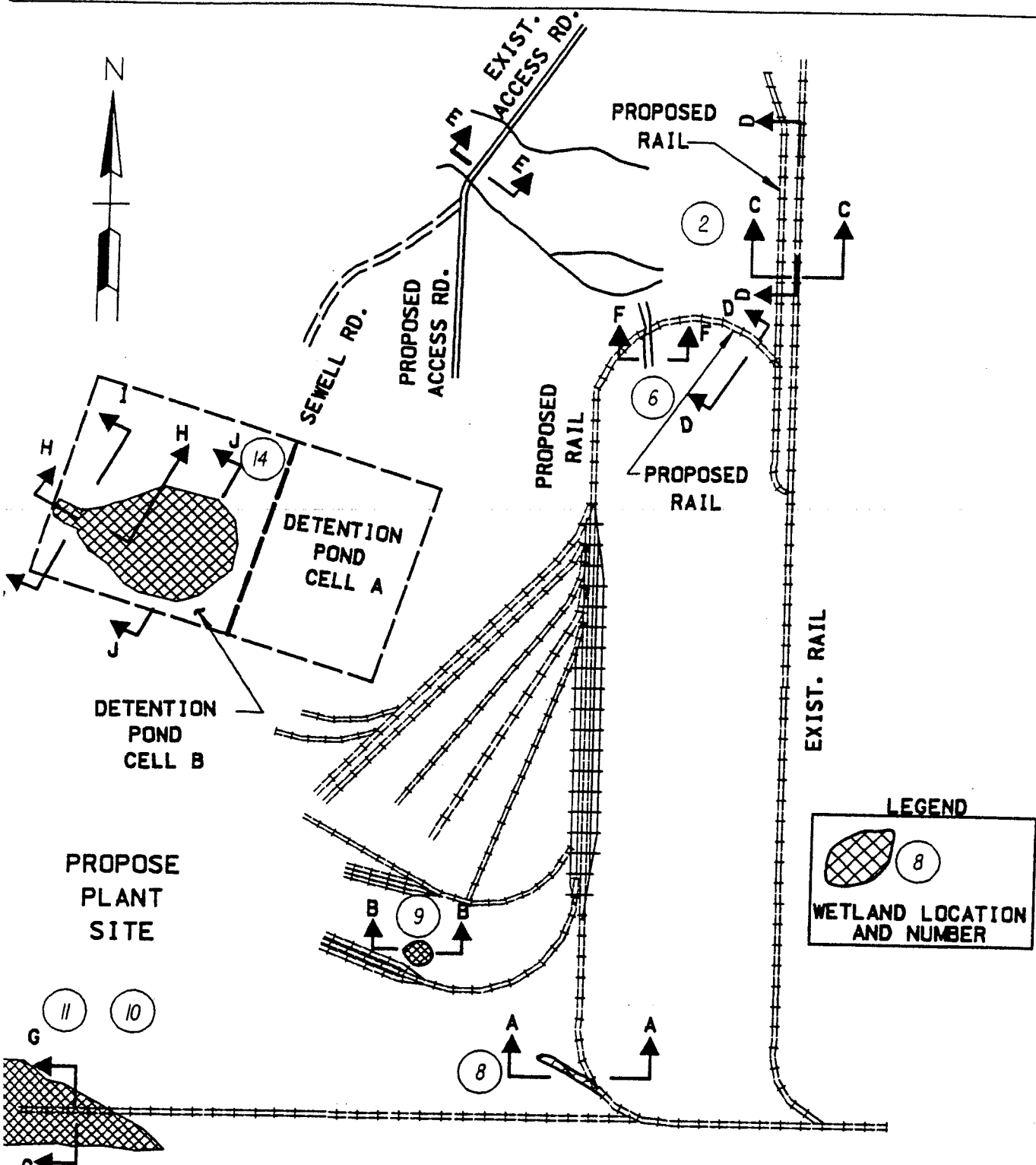
9413721

PROPOSED PORT FACILITY
 IN: TENNESSEE RIVER
 AT: MILE 297.5 L

COUNTY OF MORGAN, AL

MARCH 27, 1995

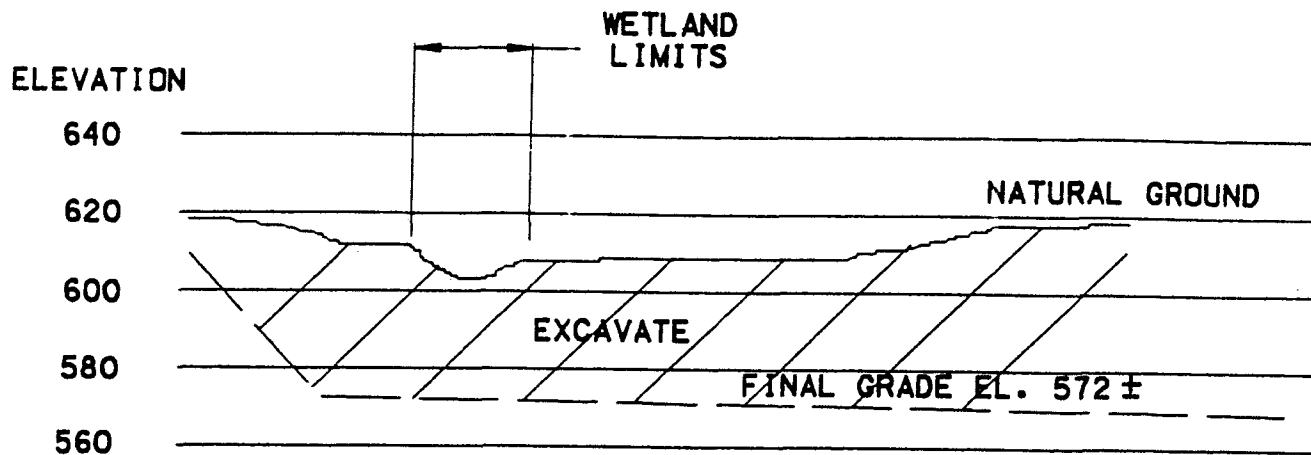
SHEET 11 OF 18



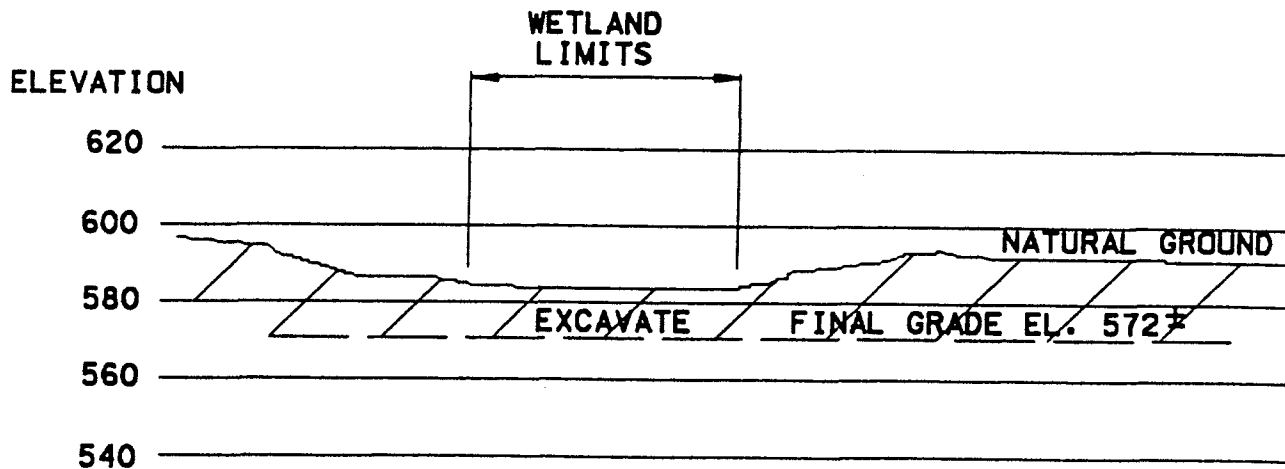
PURPOSE: EXCAVATE/FILL
WETLANDS FOR PLANTSITE
AND RAILROADS
DATUM: MSL
ADJACENT PROPERTY OWNERS
• DECATUR/MORGAN CO.
PORT AUTHORITY
• WILLARD R. HILL
• LUCILLE BOWLES

WETLANDS ENCROACHMENT
SITE PLAN
SCALE: NONE
TRICO STEEL COMPANY, L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH. 44131

PROPOSED WETLANDS
ENCROACHMENT
COUNTY OF MORGAN, AL
MARCH 27, 1995
SHEET 12 OF 18



SECTION A-A
WETLAND NO.8



SECTION B-B
WETLAND NO.9

PURPOSE: EXCAVATE/FILL
WETLANDS FOR PLANTSITE &
RAILROADS
DATUM: MSL

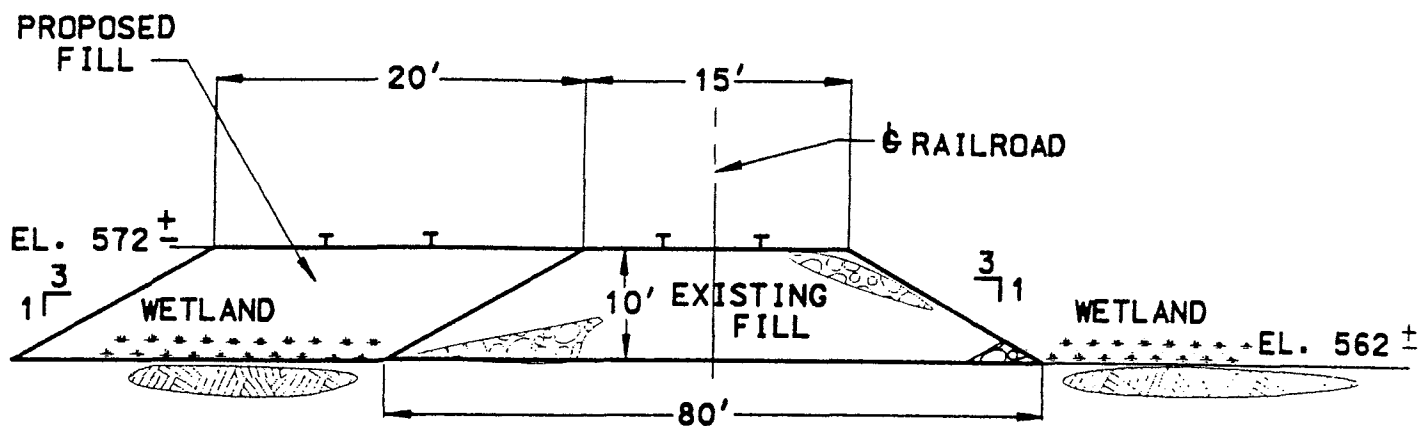
ADJACENT PROPERTY OWNERS:

1. SARA SEWELL DEMENT
2. JOHN G. SEWELL
3. DECATUR-MORGAN CO.
PORT AUTHORITY
4. WILLARD R. HILL
5. LUCILLE BOWLES

WETLANDS ENCROACHMENT
SECTION VIEW
SCALE 1" = 50'
TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

PROPOSED WETLANDS
ENCROACHMENT
COUNTY OF MORGAN, AL
MARCH 27, 1995

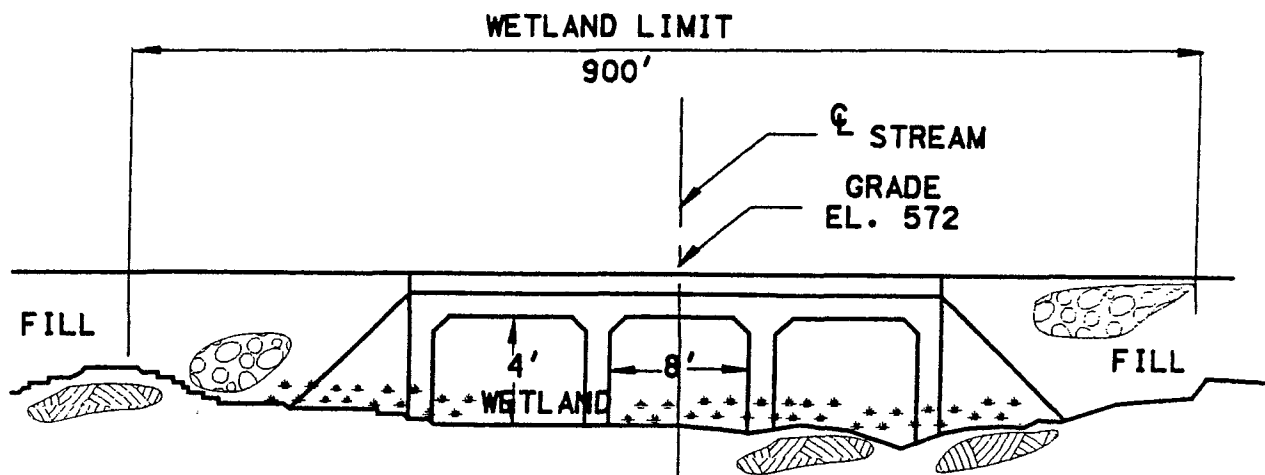
SHEET 13 OF 18



SECTION C-C

WETLAND NO. 2
NOT TO SCALE

RAILROAD WIDENING TO FILL WETLAND 2 WITH 6.670 CY OF FILL



SECTION D-D

WETLAND NO. 2
NOT TO SCALE

PURPOSE: EXCAVATE/FILL
WETLANDS FOR PLANTSITE &
RAILROADS
DATUM: MSL

ADJACENT PROPERTY OWNERS:

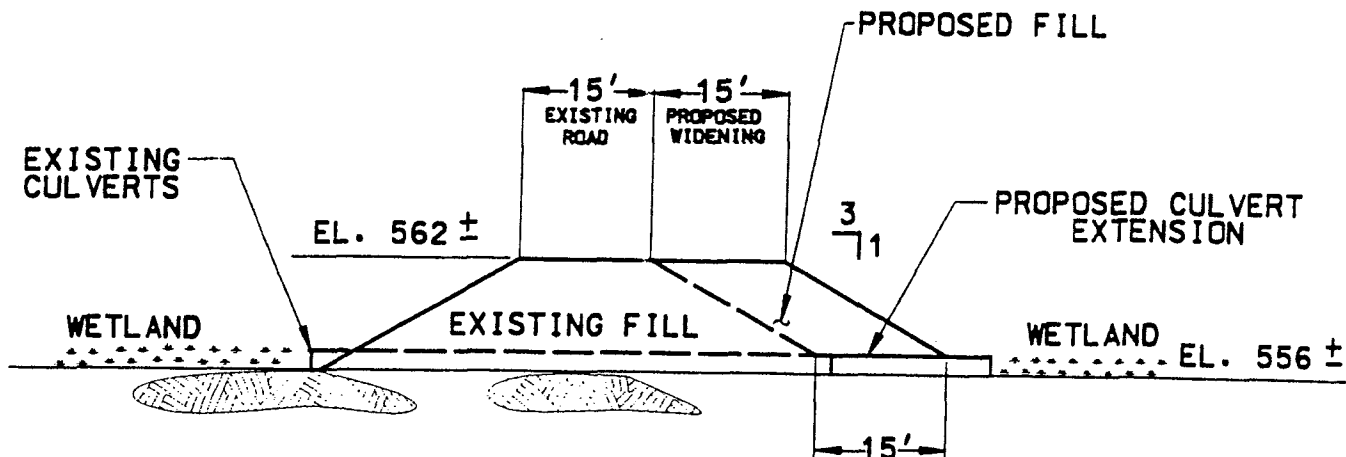
1. SARA SEWELL DEMENT
2. JOHN G. SEWELL
3. DECATUR-MORGAN CO.
PORT AUTHORITY
4. WILLARD R. HILL
5. LUCILLE BOWLES

WETLANDS ENCROACHMENT
SECTION VIEW

TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

PROPOSED WETLANDS
ENCROACHMENT
COUNTY OF MORGAN, AL
MARCH 27, 1995

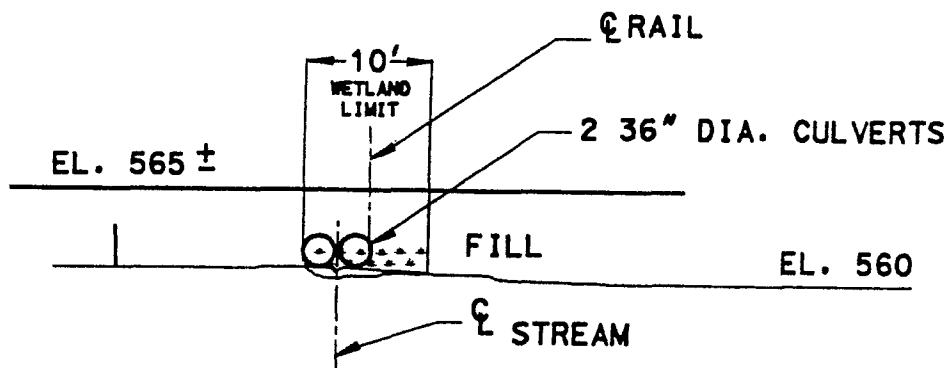
SHEET 14 OF 18



SECTION E-E

NOT TO SCALE

ROAD WIDENING TO FILL WETLAND 2 & 3 WITH 1,000 C.Y. FILL



SECTION F-F

NOT TO SCALE

RAIL CROSSING TO FILL WETLAND 6 WITH 100 C.Y. FILL

PURPOSE: EXCAVATE/FILL
WETLANDS FOR PLANTSITE &
RAILROADS
DATUM: MSL

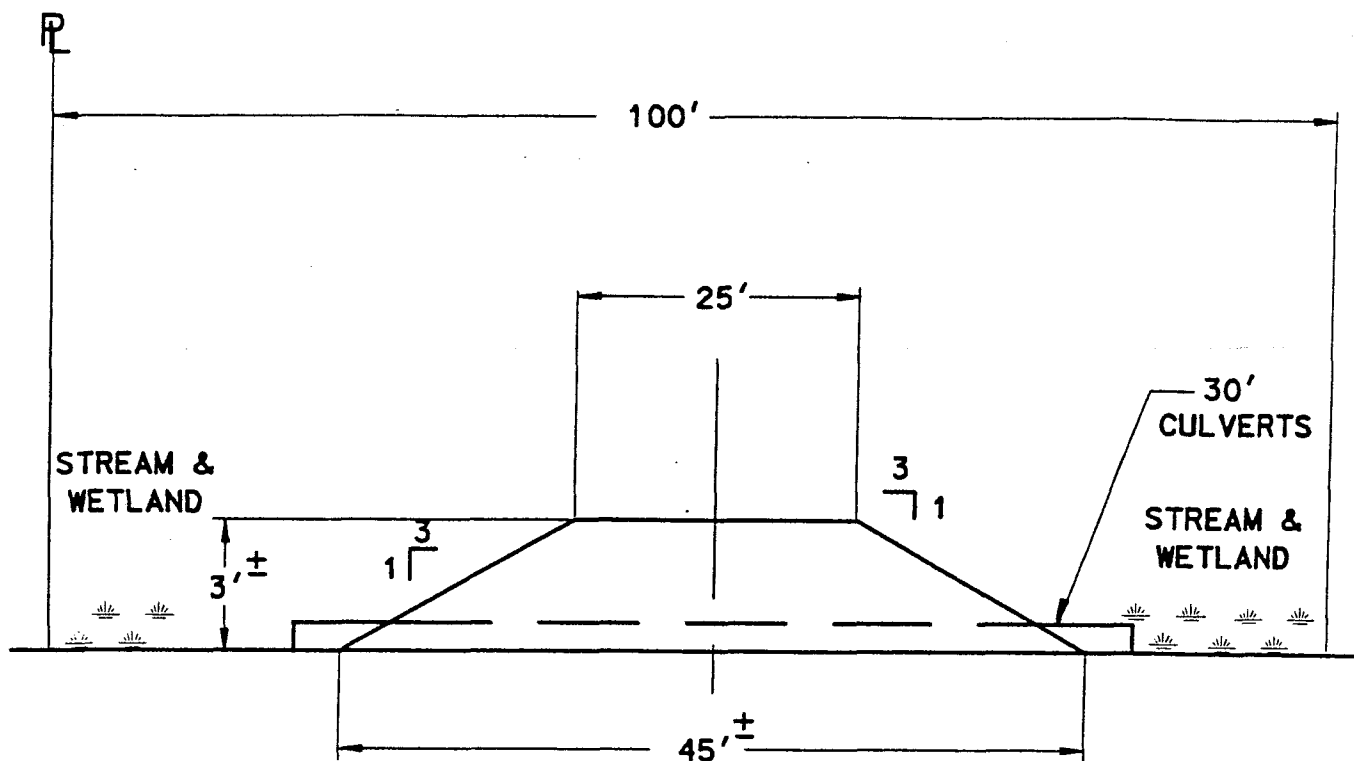
ADJACENT PROPERTY OWNERS:

1. SARA SEWELL DEMENT
2. JOHN G. SEWELL
3. DECATUR-MORGAN CO.
PORT AUTHORITY
4. WILLARD R. HILL
5. LUCILLE BOWLES

WETLANDS ENCROACHMENT
SECTION VIEW
SCALE 1" = 50'
TRICO STEEL COMPANY L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH 44131

PROPOSED WETLANDS
ENCROACHMENT
COUNTY OF MORGAN, AL
FEB. 13, 1995

SHEET 15 OF 18



SECTION G-G

WETLAND NO. 10 & 11

NOT TO SCALE

**PURPOSE: EXCAVATE/FILL
WETLANDS FOR PLANTSITE
AND RAILROADS
DATUM: MSL**

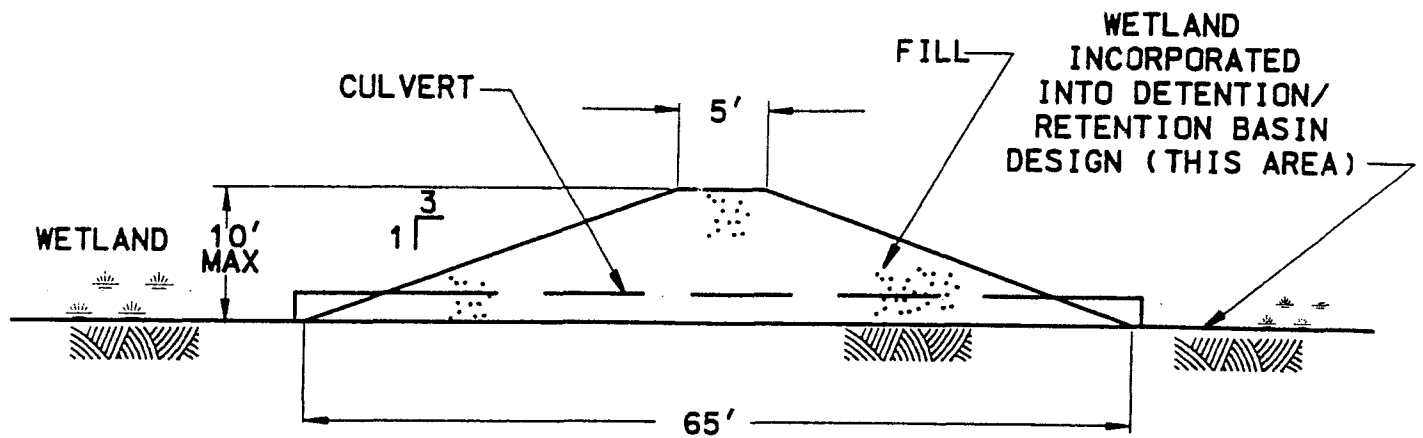
**ADJACENT PROPERTY OWNERS
1. RITA GLENN**

**WETLANDS ENCROACHMENT
SECTION VIEW**

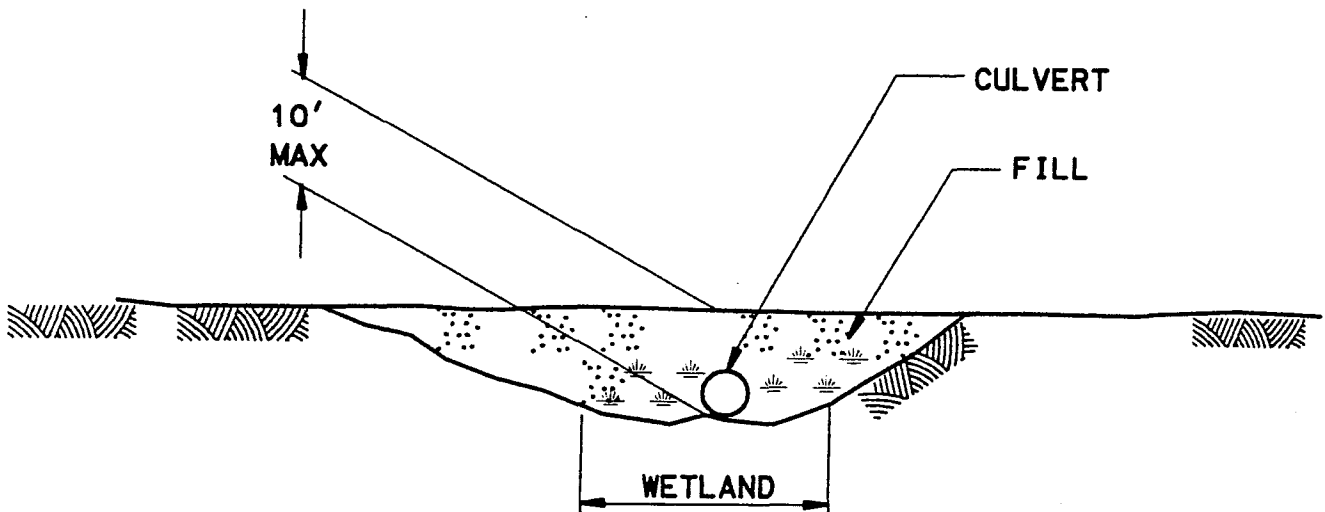
**TRICO STEEL COMPANY, L.L.C.
3 SUMMIT PARK DRIVE
SUITE 550
INDEPENDENCE, OH. 44131**

**PROPOSED WETLANDS
ENCROACHMENT**

**COUNTY OF MORGAN, AL
MARCH 27, 1995
SHEET 16 OF 18**



SECTION H-H
WETLAND NO. 14
NOT TO SCALE



SECTION I-I
WETLAND NO. 14
NOT TO SCALE

**PURPOSE: EXCAVATE/FILL
 WETLANDS FOR PLANTSITE
 AND RAILROADS**

DATUM: MSL

ADJACENT PROPERTY OWNERS
 1. DECATUR/MORGAN CO.
 PORT AUTHORITY
 2. WILLARD R. HILL
 3. LUCILLE BOWLES

**WETLANDS ENCROACHMENT
 SECTION VIEW**

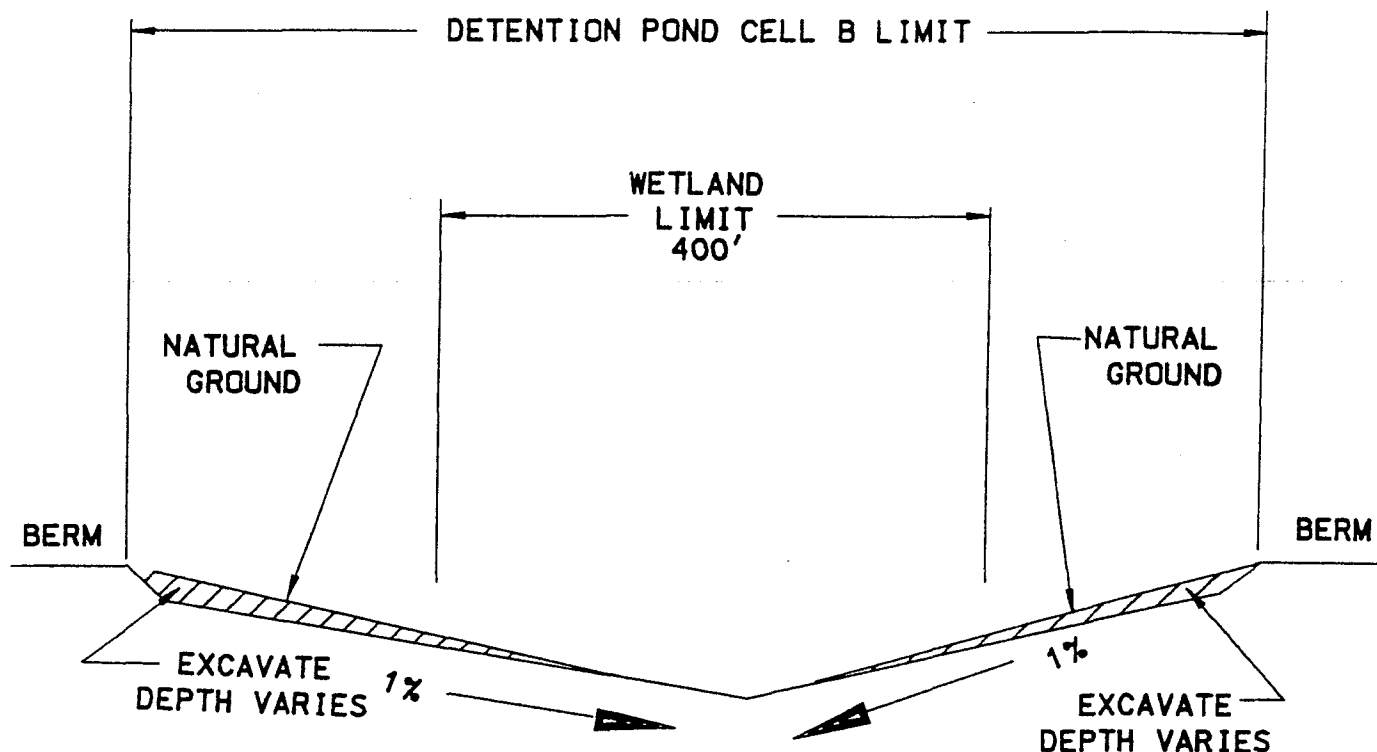
TRICO STEEL COMPANY, L.L.C.
 3 SUMMIT PARK DRIVE
 SUITE 550
 INDEPENDENCE, OH. 44131

**PROPOSED WETLANDS
 ENCROACHMENT**

COUNTY OF MORGAN, AL

MARCH 27, 1995

SHEET 17 OF 18



SECTION J-J
WETLAND NO. 14

NOT TO SCALE

PURPOSE: PARTIALLY EXCAVATE
WETLANDS (LOWER GROUND
SURFACE) FOR STORMWATER
DETENTION FACILITY

DATUM: MSL

ADJACENT PROPERTY OWNERS

1. RITA GLENN

WETLANDS ENCROACHMENT
SECTION VIEW

TRICO STEEL COMPANY, L.L.C.

3 SUMMIT PARK DRIVE

SUITE 550

INDEPENDENCE, OH. 44131

PROPOSED WETLAND
ENCROACHMENT

COUNTY OF MORGAN, AL

MARCH 27, 1995

SHEET 18 OF 18